



UNITED FREE CHURCH
OF SCOTLAND

MANUAL OF
PRACTICE AND
PROCEDURE

POCKET EDITION



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POCKET EDITION
OF THE
MANUAL OF
PRACTICE AND PROCEDURE
OF THE
UNITED FRIENDS OF SCOTLAND
PRACTICE AND PROCEDURE

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MANUAL OF
PRIVILEGE AND PROCEDURE

POCKET EDITION

PREFACE

OF THE

THE Publications Committee of the General Assembly, in concert with the Assembly Arrangements Committee, have found it expedient to publish this edition of the *Manual of Practice* form than the standard edition issued in 1905.

MANUAL OF PRACTICE AND PROCEDURE

As the General Assembly has given its authority to revise **IN THE** *Manual*, the chapters which constitute its main part are reprinted

UNITED FREE CHURCH OF SCOTLAND
Appended to this edition, are the names of all important Acts of Assembly passed since 1905, the knowledge of which may be considered necessary for the proper discharge of ordinary ecclesiastical business; and the Index has been revised and brought up to date.

It is hoped by both Committees that the circulation of this volume will be wide, that it may assist beneficially the conduct of the business which comes before her Courts; and, in the words of the Preface to the larger book, that "it may serve also to exhibit the developed working of the Presbyterian System, which our forefathers established on the great fundamental

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of the

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MANUAL OF
PRACTICE AND PROCEDURE

IN THE

UNITED FREE CHURCH OF SCOTLAND

Approved by Authority of the General Assembly

1916

OFFICES OF THE UNITED FREE CHURCH
EDINBURGH
1916

PREFACE

THE Publications Committee of the General Assembly, in concert with the Assembly Arrangements Committee, has deemed it expedient to publish this edition of the *Manual of Practice and Procedure* in a cheaper and more handy form than the standard edition issued in 1905.

As the General Assembly has given no authority to revise the *Manual*, the chapters which constitute its main part are reprinted as they appear in the larger volume. The Appendix to this edition, however, contains all important Acts of Assembly passed since 1905, the knowledge of which may be considered necessary for the proper discharge of ordinary ecclesiastical business; and the Index has been revised and brought up to date.

It is hoped by both Committees that the wide circulation of this edition of the *Manual* may conduce to a more widespread knowledge of, and interest in, the work of the Church; that it may affect beneficially the conduct of the business which comes before her Courts; and, in the words of the Preface to the larger book, that it may 'serve also to exhibit the developed working of the Presbyterian System, which our forefathers established on the great fundamental principles laid down in the New Testament for the Church of Christ.'

PREFACE

NOTE

In the Preface to the larger edition the nature of the book is explained as follows :—

“The Churches which by their union in October 1900 formed the United Free Church of Scotland, had each a volume containing details of the procedure employed in conducting the business of the Church in its different courts. The “Practice of the Free Church of Scotland” was drawn up under the direction of a Committee of Assembly, who say that they had “endeavoured to indicate what appears to be the approved practice in each of the Courts.” The General Assembly in issuing the work “authorised it as a useful guide, but declared that they did not propose to decide authoritatively any controverted point” by means of it. On the other hand the volume of “Rules and Forms of Procedure of the United Presbyterian Church” was clothed with Synodical authority as a legislative declaration of the manner in which the business of the Church was to be carried on. During the negotiations which preceded the Union differences of practice in points of detail emerged, several of which were under the consideration of the Union Committee, and were settled for the United Church by the “Plan of Union.” But it was felt at once to be essential to the smooth and harmonious working of the new organisation that the same sort of guidance which had been furnished for the separate Churches by

the volumes referred to should be provided for the United Church by a similar publication. A Committee was accordingly appointed by the Assembly of 1901 "for revising Rules and Forms of Procedure." The circumstances, of course, demanded that this instruction should be taken in its widest sense as embracing not merely a revision of one or other of the previously existing publications, but also the revision of the rules themselves, in so far at least as the practice of the two Churches had differed.

"The result of the Committee's work, which has been submitted before final approval to the Presbyteries of the Church, is contained in the succeeding chapters.'

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CHAPTER I

THE KIRK SESSION

SECTION I. CONSTITUTION AND OFFICIALS

1. The Kirk Session of a congregation (hereinafter designated 'the Session') consists of its minister or ministers and ruling elders.

2. The ruling elders are elected by the members of the congregation who are in full communion, and they are ordained and admitted by the Session : the minister is ordained and inducted by the Presbytery, and he is directly accountable to it for the discharge of all the duties of his office.

3. The elders are elected for life, and hold office till they cease to be members of the congregation, or their resignation is accepted, or they are deposed or otherwise removed from office. If an elder has absented himself from the meetings of the Session for a year without due cause, the Session may, after giving him notice for his interest, find that he has ceased to be one of its members. Elders are, as all other members of the congregation, under the jurisdiction of the Session.

4. It belongs to the Session to determine the number of elders required by the circumstances of the congregation, and when it is expedient to call upon the congregation to elect additional elders. (See Sect. iv., page 14.)

5. The minister is the moderator of the Session. At the first meeting of Session after the date of his admission to office by the Presbytery a certified intimation of his admission

forwarded by the Presbytery clerk is read and entered in the minutes. If there are two ministers in a congregation they preside alternately, or as agreed between them, or as appointed by the Presbytery. The minister not presiding sits and votes as an ordinary member, unless it is otherwise authoritatively regulated.

6. In the absence of the moderator any other minister of the Church may, if deputed by him, preside *pro tempore*. No meeting of Session can be held without the presence of the moderator or of a minister deputed by him to act *pro tempore* or appointed as *interim* moderator by the Presbytery or a superior Court.

Duties of Moderator.

7. The duties of the moderator are, to convene the meetings of Session ; to preside thereat ; to constitute and close each meeting with prayer ; to see that the business is properly ordered and recorded ; to take the vote and announce the decisions of the Session ; to act for the Session in administering censure and in carrying out its decisions in such matters as properly belong to the pastoral office. The moderator has a casting vote, but no deliberative vote ; he may, however, introduce any business to the Session and address it thereanent. In common with other members he has the right of dissent and complaint against any decision. (See Chap. VIII., Sect. IV., page 156.) He is not responsible to the Session for the discharge of his ministerial functions ; but if he seem to neglect these, or to encroach upon the functions of the Session, the Presbytery may be petitioned to intervene.

Clerk.

8. The Session appoints a clerk, whose duty is to take regular minutes of the Session's procedure and engross the same in a permanent record, to take charge of all sessional documents, and to prepare and issue all extracts of minutes and papers authorised by the Session. In his absence from any meeting the Session appoints a clerk *pro tempore*, whose appointment must be recorded in the minute. Each minute, when approved, must be signed in the permanent

record by the clerk, as 'clerk' or 'clerk *pro tempore*.' Failing the appointment of a clerk, it devolves on the moderator to perform the duties, and he signs as 'moderator and clerk.'

9. If necessary, the Session appoints a Treasurer, treasurer to take charge of funds at its disposal.

10. The Session appoints an officer or beadle Officer, who waits upon its meetings and executes its orders. He must be a member of the congregation in full communion, or be one whom the Session is prepared to admit to membership. Suspension from membership carries with it suspension from office. The same person may also be in charge of the place of worship. (See Chap. II., Part I., Sect. I. 8, page 23, and Part II., Sect. III. 2, page 31.)

11. In the case of preaching stations and new congregations the Presbytery appoints a suitable number of elders, with a moderator who must be a member of Presbytery, who has been ordained to the ministry, to act as a Session. When a congregation has been duly sanctioned as a full ministerial charge, it is the duty of such provisional Session to take steps for the election of a Session by the congregation. In the event of there not being, from any cause, a sufficient number of ruling elders in a duly sanctioned congregation available to form a quorum, the Presbytery appoints one or more of its own number as assessors to act as members of the Session till a new election has taken place and a Session has been regularly constituted.

SECTION II. MEETINGS AND PROCEDURE

1. Unless the moderator or his substitute be present, no meeting of Session can be held. Three form a quorum.

2. The Session is legally convened under the authority of the moderator, or the order of a superior Court, either by public intimation from the pulpit, or by personal notice given to each member. Such notice is held sufficient

if a reasonable time be allowed by it for the attendance of all the members. The moderator is bound to call a meeting when requested by one-third of the elders. No meeting of Session can be held, except in connection with the administration of the sacraments or for urgent business, at the time of an ordinary meeting of a superior Court without the leave of that Court.

Adjourn-
ment.

3. The Session may, if it see cause, adjourn to complete unfinished business to a time which must be fixed when the adjournment is made. In that case, unless the adjournment is to a later hour of the same day, care should be taken that intimation is given to all the members either *apud acta* or in one or other of the prescribed ways of calling a meeting. When intimation has been thus given the Session may take up any business with which it is competent to deal.

Opening and
Closing.

4. Meetings of Session are opened and closed with prayer, and both facts must be minuted. No extract from the minutes can be regarded as sufficient which does not bear that the Session was constituted, and which is not certified by the session-clerk as having been extracted by him from the records of the Session.

Minutes.

5. Immediately after the Session has been constituted the minutes of the previous meeting (or meetings) should be read and the judgment of the Session, approving or correcting them, ought to be recorded. The approval or correction of the minutes does not imply any power to alter the acts or decisions of the meeting : the only question is the correctness of the minutes, as a true account of what was done.

If the minute of a former meeting has been engrossed in the permanent record, it should be signed, when approved, by the moderator and the clerk in presence of the Court ; if in the form of a draft-minute it should, when approved, be initialed by the moderator and the clerk in

presence of the Court, and afterwards engrossed in the permanent record, and signed by the moderator and the clerk.

If in engrossing a minute in the permanent record the clerk finds it necessary to correct any mistake made *per incuriam*, he shall make the correction on the margin, and attest it by his initials. If words have to be added, these are placed in the margin with a *caret* (^). If words have to be deleted, the pen is drawn through them, and the marginal entry states in words (not figures) the number deleted. When the minute is engrossed before being approved, the rule as to corrections made by the Court is the same as that regarding such corrections made by the Presbytery on its minutes. (See Chap. IV., Sect. II. 10, page 49.)

When from any cause a moderator or clerk cannot sign a minute which requires his signature, the Court shall appoint such minute to be signed by its authority; and the person appointed to sign such minute shall append to his signature the date of the minute authorising him to sign it.

6. Besides recording the constituting and Sederunt. closing of the Session, and approval of the minutes of the previous meeting (or meetings), the minutes must record the names of all members present, and the several decisions come to, with any dissent or protest. (For directions as to dissent and protest, see Chap. VIII., Sects. IV. and VI.) The record of the Session is in the custody of the clerk, and no one other than a member of the Court is entitled to see it. The Session is bound to furnish extracts from its Extracts. minutes to parties in causes before it; but extracts cannot be given by the clerk without the leave of the Court.

7. No Session is entitled to interfere with, or review the action of, another Session. It may make friendly communication to another Session regarding any action of which it thinks it has cause to complain; but if not satisfied, it can

Relation to
other
Sessions.

proceed further only by referring the matter to its own Presbytery.

Meetings
usually
private.

8. The meetings of Session are not usually open to the congregation. In many of the matters which come before the Session it is necessary to proceed with great circumspection, especially in handling matters of discipline affecting the good name of members of the congregation ; and in dealing with such matters strict privacy ought to be observed. The Session may hold open meetings when it sees cause. It may also invite the presence of the deacons or managers for their advice and assistance ; but in all cases the Session must determine its action by the vote of its own members.

9. In any matter of procedure not provided for by these directions a discretionary power is left to Sessions, which may find guidance in the corresponding procedure applicable to superior Courts.

SECTION III. POWERS AND FUNCTIONS

1. The Session exercises rule ministerially under Christ in all matters affecting the spiritual well-being and order of the congregation.

Administration of Ordinances

Conduct of
Public
Worship.

2. It belongs to the Session in concurrence with the minister to regulate the hours and the forms or modes of public worship, while for the proper conduct thereof the minister is responsible to the Presbytery. The Session also appoints and provides for the administration of

Administra-
tion of the
Sacraments.

Baptism and the observance of the Lord's Supper. In addition to the stated church services the Session may appoint such occasional or special services as it judges desirable. It is the duty of the minister to see that such appointments by the Session are suitably carried out. The Session may appoint collections for special

Collections.

religious or charitable objects other than those appointed by the General Assembly or other competent authority. The Session also regulates the time and mode of taking collections in connection with public worship.

3. The leader of praise must be, or become, a member of the Church in full communion, or be one whom the Session is prepared to admit to membership; and in every case is subject to the discipline of the Session. The formal appointment rests with the Session, which must be satisfied as to the Christian character of any applicant before he is recognised as a candidate. The Session may dismiss the leader of praise if dissatisfied with his character or conduct, or with his behaviour or efficiency in the discharge of his duties. Suspension from church privileges vacates the office. Resignation of office is given in to the Session. In the conduct of public worship the leader of praise is under the direction of the minister. Diversity of practice prevails in the mode of electing a praise leader, and it belongs to the Session to determine the mode of election, and also the mode in which the appointment may be terminated.

4. The ordinance of baptism should be administered during public worship; and parents ought to bring their children to the house of God for this purpose; but the Session may, where it sees cause, authorise the administration of baptism elsewhere than in the Church. It is the duty of the Session to see that all the children of church members are baptized without unnecessary delay; and in this matter a special obligation lies on each elder to have a watchful oversight of the families in his district.

5. Baptism is to be administered to adults upon their profession of faith in Christ and obedience to Him, and to the children of parents, one or both of whom are members of the Church. Baptism may also be administered to orphans, and to such children as have been received into

Christian households or whose upbringing has been undertaken by members of the Church, when the Session is satisfied that those desiring baptism for them are in a position to fulfil their baptismal vows.

Lord's Supper.

6. The Session appoints and intimates the time and place for the observance of the Lord's Supper, and makes provision for it. A quorum of Session must always be present at the dispensation of the ordinance; and this applies also to cases where the communion is dispensed in the homes of sick and aged members of the Church. Only members in full communion are entitled to participate; but the Session may grant occasional communion to members of other churches who desire to join in it, when nothing is known concerning them inconsistent with their profession as members of the Church of Christ.

Oversight of Church Members

Roll of Members.

7. With a view to the spiritual oversight of a congregation by its Session, it is necessary that an accurate roll be kept of the members in full communion, which must be corrected from time to time as changes in the membership occur, so as at any time to show who are entitled to be on it. This roll ought to be carefully revised at least once each year. In congregations whose property is held under the 'Free Church Model Trust Deed,' the communion roll, or a certified copy thereof, revised by the Session, and signed by the moderator and clerk, must be sent to the Presbytery of the bounds each year for attestation. Before any meeting for the election of a minister, the Session is required to make up a roll of those in full communion, such alone being entitled to vote. Due intimation should be given at a diet of public worship when this has been done, that members may have the opportunity of ascertaining that their own names are duly inserted. This roll, as finally

adjusted and attested by the Session, must be laid before the Presbytery. (See Chap. IV., Sect. III., Division i. 15, page 62.)¹

8. The Session should arrange for the division of the congregation into convenient districts, and appoint one or more of its members to have special spiritual oversight of each district. Each elder ought to have a correct list of all those thus entrusted to his charge, members and adherents, and to report to the Session regarding them ; it is his duty to visit the families in his district as their spiritual overseer, specially the aged and those in affliction, to care for the young, and to deal privately and tenderly with any who are neglecting public worship, or are under discipline.

9. The admission of members to the congregation belongs to the Session. They are admitted by certificate if already members of the Church, or upon profession of their faith. In the case of those bringing regular certificates from other congregations, it is usual, where no good reason for acting otherwise is known to the Session, to add their names at once to the roll of communicants. Persons who have been in church fellowship but whose certificates have not been granted recently, or who have lost them, or who have fallen out of church membership, may be received into full communion by the Session on its being satisfied with their profession and character. In the case of those desiring admission into the fellowship of the Church, it is the duty of the Session to satisfy itself as to their profession of faith in Christ, their knowledge of the cardinal doctrines of Christian belief and the nature and significance of church ordinances ; also to make proper inquiry to ascertain that, so far as known, their outward life is consistent with their profession. The instruction and preparation of young communicants is the special duty of the minister. The Session must take care that such as are ignorant or scandalous be not admitted to church member-

Elders' Districts.
Admission of Members.

¹ See Act I. of Class II., 1908, p. 176.

ship till it is satisfied as to their knowledge and repentance. It is necessary to ascertain whether applicants for admission to church membership have been baptized, and if they have not been baptized, admission to the fellowship of the Church must be by baptism. (For suggested questions to applicants, see Appendix, page 237.)

Certificate
of Disjunc-
tion.

10. A member desiring to leave one congregation and to connect himself with another is entitled, on application, to a certificate of disjunction from the Session, unless he is under discipline, or unless there are matters connected with his conduct as a member of the Church which seem to the Session to call for inquiry. In this latter case he has a right to demand that inquiry be immediately entered upon, and brought to a conclusion without unnecessary delay. (For form of disjunction certificate, see Appendix, page 238.)

11. It is the duty of the Session to see that members leaving the congregation are furnished with disjunction certificates. Letters of introduction should also be granted to adherents leaving. When members or adherents leave without such certificates or letters of introduction, it is the duty of the Session to intimate their removal to the convener of the 'strangers' committee' in the place to which they have gone, or to a minister in the district. It is strongly recommended also that similar intimation be given of the granting of disjunction certificates and letters of introduction. Those receiving such certificates, letters of introduction, or intimations, should acknowledge receipt of them to the Session from which they have come.

Supervision
of Societies.

12. All societies or associations of members or adherents in connection with the congregation are under the supervision of the Session; and no society or association can be sanctioned as congregational without first receiving the approval of the Session.

Care of the Young

13. All baptized young persons in the congregation, being members of the Church not in full communion, have special claims to supervision and care. Their names should be entered in a roll kept by the Session; and each elder should endeavour to make himself acquainted with the young in his district, and to promote their spiritual welfare.

Roll of Young.

14. Young persons not in full communion on removing to another locality should be furnished with an introduction to the minister or session-clerk of a congregation there, or if there be in the locality a 'presbyterial committee anent young persons removing,' or a 'strangers' committee, the introduction may be addressed to its convener, and when young persons leave without such introduction, the Session, so far as practicable, is to send notice regarding them to a minister or session-clerk, or to the convener of such committee. Those to whom such introductions are delivered should be careful to acknowledge receipt of them to the Session that has furnished them.

Young Persons Leaving.

15. It is the duty of the Session to see that parents attend to the godly upbringing of their children, and to aid them in this work by instituting a Sabbath school. These schools are not intended to relieve parents of the duty of themselves instructing their children in the Scriptures and in Christian truth. All Sabbath schools are under the supervision of the Session, which should take a particular interest in them, and use means to promote their efficiency by visitation and otherwise. Teachers should be persons of intelligence and piety, and, if possible, members of the Church, and their appointment should have the concurrence of the minister and Session. For the benefit of those more advanced there should also be Bible classes under the charge of the minister or other qualified persons.

Sabbath Schools.

16. In dealing with the young care should be

taken to set before them what is implied in their having been baptized, and the claim which the Saviour has upon them to make public profession of His Name.

Mission Work

Oversight
by Session.

17. It is the duty of the Session to take oversight of the mission work undertaken by the congregation within its own district, or such district as may be assigned to it by the Presbytery, and to encourage and direct the members of the congregation in all suitable methods for the ingathering of the ignorant and careless around them. Where any special agents are employed, these are subject to the authority of the Session. Where there is no deacons' court the Session may provide the funds needed for such mission purposes by special collection, or otherwise as it may arrange.

Sealing Or-
dinances in
Mission
Stations.

18. The Session of a congregation which conducts a mission station is empowered, on obtaining the sanction of the Presbytery, to dispense sealing ordinances to such persons worshipping in the station as may on examination be found qualified. These persons are under the spiritual oversight of the Session of the parent congregation, their names being kept on a separate communion roll. On leaving, they are entitled to a certificate of standing as in full communion with the United Free Church.

Contribu-
tions for
Missions.

19. Every congregation, being an association of Christ's servants enjoined to spread His Gospel among men, is on that account a missionary society, and it is the duty of the Session to see that it is contributing, according to its ability, to the mission funds of the Church. For this purpose there ought to be in each congregation an organisation to take up regular contributions from the members for missionary purposes. Collections and contributions for the various mission funds, and for congregational purposes, should be kept distinct. Contributions to the

schemes of the Church should, as far as possible, be remitted quarterly to the general treasurer, with distinct indication of the particular scheme or mission for which each contribution is intended. It is the duty of the Session to see that the members of the congregation are fully informed, through circulation of the *Missionary Record* and otherwise, of the work of the Church, and of its claims upon them.

Other Rights and Duties

20. Where there is no deacons' court or congregational board, the duties of the deacons' court in connection with the schemes of the Church and the care of the poor devolve on the Session. (See Chap. II., Part I., Sect. III. 1 and 15, pages 25 and 27.)

Schemes of
the Church
and Care of
Poor.

21. As the minister is allowed, subject to his Presbytery, a large discretion in the methods of his ministry, the place of worship and other ecclesiastical buildings belonging to the congregation are at his disposal for the purposes of his office. He can use them, and grant permission to use them, for all purposes connected with the congregation or any of its organisations ; and for purposes which are of a religious, ecclesiastical, or charitable nature, though not connected with the congregation. But he cannot use them, or grant permission to use them, for any other purpose not connected with the congregation, without the acquiescence both of the Session, and of the deacons' court, or committee of management, or congregational board. On the other hand, neither the Session, the deacons' court, nor the congregational board can use them, or grant permission to use them, for any purpose whatever without the minister's consent. Nor can the managers use or grant the use of such buildings for any purpose, without the acquiescence of the minister and the Session. Provided always that in congregations where provisions are made, either in a constitu-

Use of
Church
Buildings.

tion approved by the Presbytery or in the title-deeds of the church or meeting house of the congregation, with regard to the use of the church buildings which differ from what is here stated, the provisions of such constitution or title-deeds shall remain in force to the exclusion of this rule in so far as it differs from these provisions, unless these provisions shall be competently altered by the congregation.

SECTION IV. ELECTION AND ADMISSION OF ELDERS AND DEACONS

Election of
Elders.

1. The Session determines the number of elders required for the oversight of the congregation, and the time when a new election is to take place. The right of voting in the election of office-bearers is vested exclusively in the members of the congregation in full communion.

Intimation
of Election.

2. When the Session has resolved that it is expedient to have an election of elders, and has fixed the number to be elected and the date of election, due intimation thereof must be made at the time of public worship, on the two successive Sabbaths preceding the date of election. It is desirable to give the congregation even earlier intimation of an intended election so that the members may have time to inquire regarding persons suitable for the office, who must be members of the congregation in full communion and have attained the age of twenty-one years. Opportunity should be taken to direct the attention of the congregation to the Scriptural qualifications required for the office of the eldership.

Mode of
Election.

3. The election of elders may be made in any one of the three following modes, viz. (a) At a congregational meeting held in presence of the Session *for the purpose of making an election*; (b) At a similar meeting held *for the purpose of nominating persons for the office*, to be voted upon if necessary by voting papers; (c) By *sealed lists*. The Session determines in which of

these ways the election shall be made ; and gives directions to the members accordingly when intimating that the election is to be made.

(a) When mode (a) is followed, intimation is made on at least two Sabbaths immediately preceding the meeting, that a congregational meeting will be held *for the purpose of making an election of elders.* The moderator of Session or an ordained minister of the Church authorised by him presides, and opens the meeting with devotional exercises. The names proposed and seconded are taken down. After full opportunity has been given for proposing names, the moderator asks three times whether any additional names are to be proposed, and none being proposed he declares the leet closed. If the number on the leet does not exceed the number of elders required, the moderator thereupon declares them elected to the office of the eldership. If the number on the leet exceeds the number required, the moderator engages in prayer for the Divine guidance in the election ; and the names are submitted successively to the meeting in the order in which they have been nominated, and are voted upon by the meeting. No member can vote for more than the number for which the congregation is asked by the Session to vote. Those to the number required, having the highest number of votes, are declared to be elected.

(b) When mode (b) is followed, intimation is made on at least two Sabbaths immediately preceding the meeting, that a congregational meeting will be held *for the purpose of nominating persons for the office of the eldership ; with certification that if the number nominated does not exceed the number required, those nominated will be declared to be elected, and that if the number nominated exceeds the number required, a vote of the congregation on those nominated will be taken by means of voting papers.* The moderator of Session or an ordained minister

of the Church authorised by him presides, and opens the meeting with devotional exercises. The procedure at the meeting is the same as under mode (a) down to the point of declaring the leet closed. If the number on the leet does not exceed the number of elders required, the moderator thereupon declares them elected to the office of the eldership, as under mode (a). If the number on the leet exceeds the number of elders required, the moderator engages in prayer for the Divine guidance in the election, and the meeting is closed. The Session thereafter causes voting papers to be prepared and distributed to the members of the congregation, containing the names of those on the leet arranged in alphabetical order, together with full instructions as to marking, signing, and returning the voting papers on or before a time appointed by the Session. The voting papers are examined, and the votes are counted by the Session ; and those to the number required who have the largest number of votes are declared to be elected, and the result is intimated to the congregation.

(c) Where mode (c) is followed, the Session by intimation made from the pulpit requests the members to give in *sealed* or *closed* lists containing the names, to a number not exceeding that which the congregation is asked to vote for, of members of the congregation in full communion whom they desire to be elected; each list being duly signed by the member or members voting by it, and being given in at the place and by the time fixed by the Session. The lists are opened and examined, and the votes counted by the Session ; and those to the number required who have the largest number of votes are declared to be elected ; and the result is intimated to the congregation.

The Session, when intimating the number of elders required, may call upon the congregation

to vote for a number as nearly as may be one-half more than the number required ; as six when four, or eight when five are required. If this is done, those to the number required who have the highest number of votes, whatever mode of voting is followed, shall be held to be elected ; but should the election of any of them not be sustained, or should any decline to accept office, the next highest shall be held to be elected, provided the Session judges that a sufficient number of votes has been given for him ; and so on, if necessary, until the whole number for which the congregation has been asked to vote is exhausted. Or should the Session judge it advisable, it may, when the result of the vote is ascertained, at once declare to be elected those for whom most votes are given, up to the number for which the congregation was asked to vote.

4. The Session judges of the qualifications of those elected before sustaining their election. No one can be admitted as a ruling elder if the Session be not satisfied with his qualifications, unless its judgment be reversed by a higher Court. When the Session is satisfied as to the fitness of the persons elected and has sustained their election, it deals with them in regard to their acceptance of office ; and on obtaining their acceptance appoints the time of their ordination or admission.

Qualifica-
tions of
Elders
Elect.

5. The session-clerk prepares an edict to be read from the pulpit on two Sabbaths giving intimation that if any person have objection to the life or doctrine of any of those proposed to be ordained or admitted, such objection must be given in to the Session at a meeting duly intimated in the edict, to be held not less than seven free days after the edict is first served, with certification that if no objection be given in and substantiated at the time and place of which notice is given, the Session will proceed with the ordination or admission at the time appointed for it.

Objections.

6. At the time and place intimated in the edict the Session meets to receive any objection which may be offered. The edict having been returned, certified as having been duly served, the Session intimates that it is prepared to hear objections. Any objection made must refer to the life or doctrine of the elder elect. If any objection is made, and forthwith substantiated, or if the Session judges that further inquiry is necessary, the Session does not proceed to the ordination or admission of the person objected to, but deals with the charge. Objections which in the judgment of the Session are frivolous or unsupported by evidence are to be set aside, and the ordination, or admission to office, proceeded with.

Ordination.

7. The ordination and admission to office take place in presence of the congregation, at a diet of public worship. The Session having been constituted, the moderator narrates the steps that have been taken, and puts the prescribed Questions. On receiving satisfactory answers, he admits to office in the congregation any who have already been ordained to the eldership, and ordains by prayer and admits to the office of ruling elder in the congregation those not previously ordained, commanding them to the grace of God for the work to which they are appointed ; the right hand of fellowship is given by the moderator and other members of Session to the newly admitted elders, and the service is concluded with suitable exhortations to them and to the congregation. After the close of public worship the newly ordained and admitted elders sign the Formula, have their names added to the roll, and take their seats in the Session. (For Questions and Formula see Appendix, page 206.)

Election of Deacons.

8. The Session determines when it is expedient to have an election of deacons, and what number is required. The Session exercises precisely the same functions with reference to the election and ordination or admission of deacons as in the case of elders. The procedure is also the same ;

but for elders and deacons the Questions and Formula are different. When an election is in view, an early opportunity should be taken to direct the attention of the congregation to the Scriptural qualifications necessary for the office of deacon. It is not desirable that a vote for election of elders and deacons be taken at the same time. (For Questions and Formula see Appendix, page 208.)

9. Minutes of all proceedings in connection with the election, ordination, and induction of elders and deacons must be recorded in the minute-book of the Session.

SECTION V. RELATION OF SESSION TO SUPERIOR COURTS

1. The Session is subject in all its proceedings to the review and directions of the Presbytery and superior Courts of the Church, and the minute-book of the Session is to be submitted to the Presbytery, Synod, or Assembly when called for. The Session is charged with carrying out the decisions of the superior Courts in matters within its province, and furnishing to them such information as they may call for. It has direct access to the Presbytery by memorials, petitions, and references, and through the Presbytery to the higher Courts. The Session is the only channel through which members have right of access to the higher Courts of the Church. (See Chap. VIII., Sect. 1, 2, page 151.)

Review by Superior Courts.

Access to Superior Courts.

2. Immediately after each General Assembly the Session elects one of its members to represent it in the Presbytery and Synod of the bounds for one year ; or, where the membership of the congregation is four hundred or upwards, as returned by the Session as at 31st December preceding, two of its members. This election must take place within two calendar months after the close of the Assembly. It is the duty of the Presbytery clerk to remind the session-clerks of the need of an election in cases where it has not been

Representation in Presbytery and Synod.

made within one month after the Assembly. In the event of a representative elder ceasing to be a member of Presbytery before his commission expires, a successor may be elected within one month thereafter. The former representative of the Session remains a member of Presbytery, but for not more than two months, till his successor has been elected. The session-clerk must furnish a representative elder with an extract minute of his commission, without which he cannot take his seat in Presbytery or Synod.

3. When a Session entitled to elect only one elder has not in its own number one who can conveniently attend the meetings of Presbytery and Synod, it may elect as its representative a member of any other Session within the same Presbytery. Besides his commission from the Session electing him as its representative, such member must also be furnished with a certificate from the Session of which he is a member that he is a *bona fide* acting elder.

4. An elder elected by a Presbytery as one of its representatives to the General Assembly requires a certificate in the form appointed by the Assembly from the Session to which he belongs.

CHAPTER II

ADMINISTRATION OF TEMPORAL AFFAIRS

IN some congregations, chiefly those which were formerly Free Church, the temporal affairs are administered by the deacons' court. In others, chiefly those which were formerly United Presbyterian, the temporal affairs are administered by a committee of management, the members of which are usually termed managers. In several the temporal affairs are administered by a body consisting of the minister or ministers and the elders of the congregation, together with a certain number of members elected to hold office for a specified period. Regulations for each of these three methods are given in this chapter. Some congregations have constitutions containing provisions for the administration of their temporal affairs varying from those contained in this chapter; and provision is made for their case.

Part I. The Deacons' Court

SECTION I. CONSTITUTION AND OFFICIALS

1. The deacons' court of a congregation consists of its minister or ministers, its elders, and deacons—the deacons being men elected and ordained to office for the purpose of administering the temporal affairs of the congregation.
2. The Session determines when it is expedient to have an election of deacons, and the number required. They are elected by the

Constitu-
tion.

Election and
Admission.

Tenure of
Office.

members of the congregation in full communion, and are ordained and admitted by the Session. The number of deacons ought to be suitable to the size and circumstances of the congregation.

Chairman.

3. A deacon is elected for life, and holds office till he ceases to be a member of the congregation, or his resignation is accepted, or he be deposed or be otherwise removed from office. If a deacon has absented himself from the meetings of the court for a year without due cause, the Session may, after giving him notice for his interest, declare that he has ceased to be a member of the deacons' court. Deacons are, as all other members of the congregation, under the jurisdiction of the Session.

Duties of
Chairman.

4. The minister, or the *interim* moderator of Session, presides in the deacons' court when he is present. In his absence any other member of the court may be chosen to preside. If there are two ministers they preside alternately, or as agreed between them, or as appointed by a superior Court. The minister not presiding sits and votes as a constituent member of the court, unless it is otherwise authoritatively regulated.

Clerk.

5. It is the duty of the chairman to see that each meeting is opened and closed with prayer, and that the business is properly ordered and recorded; and to take the vote and announce the decisions of the court. The chairman may introduce any business at the deacons' court, and may address the members regarding it. He has a casting vote, but no deliberative vote.

6. The deacons' court appoints a clerk, whose duty it is to take regular minutes of the proceedings and engross the same in a permanent record accessible to the members of the court at all reasonable times, to take charge of such of its papers, books, and documents as are not entrusted to the custody of a treasurer, and to prepare and issue all extracts of minutes and papers authorised by the court. In his absence from any meeting, the court appoints a clerk

pro tempore, whose appointment must be recorded in the minute. Each minute, when approved, must be signed in the permanent record by the clerk or the clerk *pro tempore*.¹

7. The court appoints one or more treasurers of the various funds under its charge. It is an approved practice that one be appointed for the contributions to the Sustentation Fund exclusively, which he remits immediately on receipt to the general treasurer of the Church. It is expected that this treasurer keep a register embodying the contents of the deacons' and collectors' books, so as to enable him to judge at all times with respect to the condition and working of the arrangements in the congregation for obtaining contributions.

The court also appoints a treasurer of the congregational fund, who keeps a congregational cash-book, in which he enters all moneys received and payments made. All money received by this treasurer is to be lodged by him in a public bank of known credit, in a separate account identifying it as belonging to the congregation. The deacons' court may require the bank pass-book to be exhibited to it at any meeting.

8. An officer is appointed by the deacons' court to be in attendance at the time of its meetings. He also takes charge of the place of worship in accordance with instructions given him. Usually the same person is appointed by the Session as its officer.

Church.
officer.

SECTION II. MEETINGS AND PROCEDURE

1. The deacons' court ought to meet at least Meetings. once a month. The number of meetings however must depend, in some measure, on the circumstances of the congregation.

2. Three members of the court form a quorum. Quorum. The presence of the minister is not necessary for this purpose.

¹ See Act I. of Class II., 1908, p. 176

Mode of
Convening.

3. The deacons' court is convened by intimation from the pulpit, or by personal notice to the members. Such notice is held sufficient, if a reasonable time is allowed by it for the attendance of the members. It is called by authority of the minister, or at the requisition of any three members—said requisition being addressed to the minister. When there is a vacancy in the pastoral charge, it is called by the clerk of the court, to whom any requisition must be addressed.

No meeting of the deacons' court can be held at an hour when the Session is sitting, nor, except for urgent business, at the time of an ordinary meeting of any superior Court of the Church without the leave of that Court.

Opening and
Closing.

4. Meetings of the deacons' court are opened and closed with prayer, and both facts must be minuted. No extract minute can be received which does not bear that the deacons' court was constituted, and which is not certified by the clerk as having been extracted by him from the records of the court.

Minutes.

5. Immediately after the deacons' court has been constituted, the minutes of the previous meeting should be read, and the judgment of the court, approving or correcting them, ought to be recorded. That judgment refers only to the correctness of the minutes as a true account of what was done. The provisions for correction and authentication of the minutes are the same as for the Session (see Chap. I., Sect. II. 5, page 4).

6. Besides recording the constituting and closing of the deacons' court, and the judgment on the minutes of the previous meeting, the minutes must record the names of all members present, and the several decisions come to, with any dissent or complaint.

7. With reference to the question of an adjournment from one sederunt of the deacons' court to another, the same principle applies that regulates adjournment of a meeting of Session. (See Chap. I., Sect. II. 3, page 4.)

Adjourn-
ment.

8. The meetings of the deacons' court are not usually open to the congregation; but the deacons' court may hold open meetings if it see cause.

SECTION III. POWERS AND FUNCTIONS

1. The deacons' court has the management and charge of the whole property belonging to the congregation or held for the congregation's use by trustees appointed in terms of deeds which the General Assembly has sanctioned. It has also the management and charge of all the congregation's temporal affairs. It receives the contributions of the congregation for the objects appointed or allowed by the General Assembly; and disposes of them in accordance with the instructions of the Assembly. The duty of attending to the temporal wants of poor persons connected with the congregation is specially assigned to the deacons' court.

2. The deacons' court has no jurisdiction over the conduct of public worship in any of its parts. While it is required to apply spiritual principles to the management of temporal matters, it is not authorised to exercise any kind of spiritual rule, nor to review the action of the moderator or of the Session.

It has, therefore, no power of discipline, and cannot admit to the office of deaconship, or depose from it; nor can the resignation of a deacon be received by the deacons' court, or dealt with by it in any way. (See Chap. I., Sect. IV. 8, page 18.)

3. The deacons' court is entitled to certified extracts from the minutes of the Session, in so far as these may affect its membership, officials, or duties, and such extracts must be engrossed in the record of the deacons' court.

4. It is the duty of the deacons' court to see that the place of worship and other ecclesiastical buildings are kept in good condition and repair,

and to take steps for raising the funds that are needful for this purpose.

5. The deacons' court is not entitled to give the use of the place of worship, or of the other ecclesiastical buildings belonging to the congregation, for any purpose whatever, without the consent of the minister. It is not entitled to withhold the use of these buildings for meetings which are connected with the congregation or any of its organisations, and which have the sanction of the minister, or for meetings of a religious, ecclesiastical, or charitable nature, which have the same sanction. But none of these buildings can be made use of, either by the minister or by others, for any meeting which is not of the character above specified, without the acquiescence of the deacons' court.

Sittings
and Pews.

6. It is the function of the deacons' court to let or allocate the sittings and pews in the place of worship and to determine all questions relating thereto.

Charge and
Payment
of Officials.

7. It belongs to the deacons' court to appoint and dismiss the officer to whom is entrusted the immediate care of the place of worship. It also appoints and dismisses the doorkeepers and any other parties employed in attending to the convenience of the congregation. The deacons' court fixes the salaries of all these officials. It also fixes the salary of the leader of praise.

Sustenta-
tion Fund.

8. It is the duty of the deacons' court to make the requisite arrangements for carrying out the Acts of Assembly relative to the Sustentation Fund, by dividing the congregation into districts and assigning a district to each deacon, which it is his duty to visit statedly, and by holding monthly meetings, as far as convenient, at which the reports of the deacons are given in, and the state of the contributions is considered.

Collectors.

9. A deacon may, with the sanction of the deacons' court, appoint collectors to assist him, and the deacons' court may appoint collectors who are not deacons for districts which have not been placed under deacons.

Use of
Church
Buildings.

10. A ruling elder may act as the deacon of a district for which no deacon has been appointed. But this is to be regarded merely as a temporary expedient.

11. Ruling elders and deacons receive the Sabbath collections of the people according to such arrangements as may be made. (See Chap. I., Sect. III. 2, page 6.)

12. It is the duty of the deacons' court to see that the proceeds of all collections appointed by the General Assembly are duly transmitted to the general treasurer of the Church.

13. When a congregational association for the support of foreign missions has been formed, with the sanction of the Session and deacons' court, it is usual and proper for the deacons' court to appoint a separate treasurer for that fund, who shall be responsible to it for the receipt and due transmission of the contributions.

14. It is required that the deacons' court, after providing for feu-duty, the cost of insurance, the salaries of the church-officer and the leader of praise, Presbyterial, Synodical, and Assembly charges, the current yearly expenses for the maintenance of public worship and the due administration of Gospel ordinances, and the adequate support of the Sustentation Fund (Act XI. 1889), provide a suitable supplement to the minister's stipend out of the congregational funds, before these funds are held applicable to any other purpose whatsoever.

15. As the deacons' court is charged with the care of the poor of the church, it appoints special collections as often as may be necessary for that purpose.

16. Any member of a deacons' court may enter his dissent from any part of its procedure of which he disapproves. His dissent must be dealt with in the same manner as a simple dissent is dealt with by the Session. (See Chap. I., Sect. II. 6, page 5.)

17. While it is inexpedient to sustain complaints or appeals against the ordinary ad-

Elder as
Deacon.

Sabbath
Collections.

Assembly
Collections.

Association
for Support
of Foreign
Missions.

Supplement
of Stipend.

Collections
for Poor.

Dissent.

Review by
Presbytery.

ministration of the deacons' court in temporal and financial affairs, the said court is nevertheless subject to the review of the Presbytery, in so far as it may take any step, or adopt any resolution, which the Presbytery can pronounce to be of a censurable nature, or in violation of any enactment of the General Assembly. (Act XIV. 1847, Sect. 2.)

Extracts.

18. The deacons' court is bound to furnish extracts to parties concerned in its procedure in the same manner as the Session. (See Chap. I., Sect. II. 6, page 5.)

Examina-
tion of
Record and
Treasurer's
Account.

19. The record of the court, with the treasurer's account of income and expenditure for the year, after said account has been duly audited by appointment of the court, is required to be annually exhibited to the Presbytery of the bounds, as soon as possible after 31st December, for the purpose of being examined and attested by the Presbytery.

Annual
Congre-
gational
Meeting.

20. A congregational meeting must be called by the deacons' court as soon as convenient after the auditing of the accounts, at which the deacons' court presents a report of its proceedings for the preceding year, gives such information and explanation as may be asked for, and receives any suggestions which may be offered by the members of the congregation for the consideration of the court, with reference to the future administration of the funds. This congregational meeting is convened by intimation from the pulpit, and the minister, if present, presides, and in his absence any office-bearer elected by the meeting. The minute of this meeting is taken by the clerk of the deacons' court, and inserted in the record of that court.

Part II. The Committee of Management

SECTION I. CONSTITUTION AND OFFICIALS

1. The committee of management consists of Managers a definite number of managers elected by the congregation for the purpose of administering its temporal affairs, who must be members of the congregation in full communion.

2. The congregation determines the number Number of of managers, which should never be less than Managers. six. Nine, twelve, and fifteen are suitable numbers. The minister and the elders are eligible as well as ordinary members of the congregation. The election is made at the Election. annual meeting of the congregation; or by means of voting papers, filled up and returned previous to that meeting, and in accordance with a plan adopted by the congregation.

3. One-third of the managers annually retire One-third by rotation, and their places, with the places of retire annually. any who may die or vacate office during the year, are filled up at the annual meeting, as in par. 2 above. The retiring managers are eligible for re-election. A manager elected in room of one who has died or vacated office retires at the expiry of the period for which the person in whose room he is elected was appointed. When it is considered necessary to fill up a vacancy or vacancies in the number of managers during the year, a special meeting of the congregation is called for the purpose.

It is recommended that the names of the managers who accept office be read over to the congregation on the first convenient Sabbath after their election, and that the minister then commend them in prayer to the grace of God for the work to which they have been appointed.

4. Should any manager be suspended from membership or cease to be a member of

the congregation, he thereby ceases to be a manager.

Preses,
Clerk, and
Treasurer.

5. The congregation either elects annually a chairman or preses, a clerk, and a treasurer, from among the managers, or empowers the managers to appoint them from their own number. The congregation also elects annually two members of the congregation as auditors of the accounts, who, previous to the next annual meeting, examine the treasurer's books and vouchers for the current year, and report on them to said meeting.

Duties of
Chairman.

6. It is the duty of the chairman to have each meeting opened and closed with prayer; to see that the business is properly ordered and recorded; to take the vote; and to announce the decisions come to. He may introduce any business to the managers, and may address them regarding it. He has a deliberative vote, and also a casting vote in case of an equality of votes. In the absence of the chairman from any meeting of the managers, one of the other managers may be chosen to preside.

Chairman
pro tem.

7. The clerk keeps a regular minute-book, accessible to the managers at all reasonable times, wherein the minutes of the meetings of the managers, and of all meetings of the congregation for temporal purposes, are fully entered.

Minute-
book.

8. The treasurer keeps a congregational cash-book in which he enters all moneys received and payments made, and produces it at the annual meetings, audited and docqueted by the auditors appointed by the congregation, or failing them by a committee of the managers, together with the vouchers. All money received by the treasurer is to be lodged by him without delay in a public bank of known credit, in a separate account identifying it as belonging to the congregation. The managers may require the bank pass-book to be exhibited to them at any meeting.

Cash-book.

SECTION II. MEETINGS AND PROCEDURE

1. The managers hold regular meetings at Meetings, least once a quarter, and oftener when necessary. These meetings are called by authority from the chairman, or in his absence from the clerk, either by intimation from the pulpit, or by written notice to the individual managers. The chairman is bound to convene a meeting whenever required to do so by one-third of the managers. Where the quorum of managers is not fixed by the existing constitution of the congregation, it should be not less than three, nor than one-third of the managers when there are more than nine.

2. The rules relating to the opening and closing of meetings, and the recording, reading, approving, correcting, and signing of minutes, are the same as for the deacons' court. (See Part I., Sect. I. 5, page 22, and Sect. II. 6 and 7, page 24.)

Opening,
Closing, etc.

SECTION III. POWERS AND FUNCTIONS

1. The management of the temporal affairs of Charge of the congregation—including the care of the Managers, church property, the ordering of repairs and alterations thereon, the letting of the seats and collection of the seat rents, the charge of all contributions for the support of ordinances, the payment of the minister's stipend, salaries of leader of praise or organist, church-officer, and other expenses—is committed to the managers, and they are bound to regulate their administration of the matters committed to their charge by the rules here stated; and also to observe any special directions which may from time to time be given to them by the congregation.

2. The church-officer is appointed and dismissed by the Session and managers jointly. Church-officer. His resignation is given in to the Session, and all questions relating to his continuance in office are decided by the Session and managers. At

such meetings the moderator of Session presides and the session-clerk acts as clerk. The officer gives attendance at the managers' meetings, and takes charge of the place of worship in accordance with the instructions given him. (See also Chap. I., Sect. i. 10, page 3.) Doorkeepers and other subordinate officials are appointed and dismissed by the managers.

Use of
Buildings.

3. The managers are not entitled to give the use of the place of worship, or of the other ecclesiastical buildings belonging to the congregation, for any purpose whatever, without the consent of the minister and Session. They are not entitled to withhold the use of these buildings for meetings which are connected with the congregation or any of its organisations, and which have the sanction of the minister, or for meetings of a religious, ecclesiastical, or charitable nature, which have the same sanction. But none of these buildings can be made use of, either by the minister or by others, for any meeting which is not of the character above specified, without the acquiescence of the managers. Provided always that the consent or acquiescence of the managers shall not be required for any use which may be made or given of any hall or premises apart from the church or place of worship and halls or buildings connected therewith, which are used by the congregation or any missionary association or society of the congregation for carrying on mission or Sabbath school or other congregational work, and which have not been placed under the charge of the managers, and for the care of which they are not responsible. (See also proviso appended to Chap. I., Sect. iii. 21, pages 13 and 14.)

Managers'
Report.

4. The managers report their proceedings and management during the year at the annual meeting of the congregation. (See Chap. III., Sect. ii. 12, page 41.)

Special
Meetings.

5. The managers, on obtaining the concurrence of the Session, have power to call special meetings of the congregation for temporal

purposes when they deem it necessary, which meetings must be duly intimated on the two preceding Sabbaths, the purpose of the meeting being at the same time notified.

6. The managers have no power to contract debt on the security of the property belonging to the congregation, or for which it may be attached, without having received the special authority of the congregation, given at a special meeting called for the purpose, and also the authority of the Presbytery where that is required. They are not to expend in any one year, on repairs or alterations, more than a sum fixed by the congregation, without its express authority.

7. The managers have no jurisdiction over the conduct of public worship in any of its parts. While they are required to apply spiritual principles to the management of temporal matters, they are not authorised to exercise any kind of spiritual rule, or to review the action of the moderator or Session.

8. The constitutional right of the Session to watch over all the interests of the congregation, and to interpose whenever, in its opinion, the welfare of the congregation calls on it to do so, by convening meetings for any purpose connected with congregational affairs, or in any other competent manner, is expressly reserved.

Limitation
of Powers.

No Spiritual
Jurisdi-
tion.

Right of
Session
reserved.

Part III. The Congregational Board

1. The congregational board consists of the minister or ministers, and the ruling elders, together with a definite number of other members elected to the board by the congregation for a fixed period.

2. The congregation determines the number of members to be elected by it, which ought to be suitable to the size and circumstances of the congregation. This number is not to be altered except at a congregational meeting summoned

Number of
elected
Members.

with due notice of the proposal to make such alteration.

Retiral and
Election.

3. One-third of the elected members retire annually by rotation, and their places, with the places of any who may die or vacate office during the year, are filled up at the annual meeting in the same way as in the case of managers. (See pars. 2 and 3, page 29.) The retiring members are eligible for re-election. A member elected in room of one who has died or vacated office retires at the expiry of the period for which the person in whose room he is elected was appointed. When it is considered necessary to fill up a vacancy or vacancies in the number of elected members during the year, a special meeting of the congregation is called for the purpose.

It is recommended that the names of the elected members who accept office be read over to the congregation on the first convenient Sabbath after their election, and that the minister then commend them in prayer to the grace of God for the work to which they have been appointed.

Rules to be
observed.

4. The rules relating to officials, meetings and procedure, powers and functions, are the same as those for the deacons' court, except that those relating to the Sustentation Fund are applicable only when stipend is paid from that fund. When stipend is paid from the Sustentation Fund, the duties of deacons in collecting that fund devolve upon the elected members of the board.

Part IV. Congregations with a Constitution approved by a Superior Court

Constitu-
tion to be
observed.

1. Subject to Presbyterian order, a congregation whose temporal affairs are regulated by rules or a constitution approved by a Presbytery which had jurisdiction over it before the union of the Free Church of Scotland and the United Presbyterian Church, or before its admission as

a congregation of the United Free Church of Scotland, shall continue to be guided by these in the administration of its temporal affairs ; but it shall have power to adopt at a congregational meeting, called for the purpose, any one of the three methods of administration approved by the General Assembly. Until one of these methods of administration has been adopted, it should observe the provisions contained in pars. 2, 3, 7, and 8, Section III. of the committee of management, unless special provision is made in its constitution for another method of appointing the officials named in par. 2.

May be changed.

2. Congregations that have not formally adopted a constitution, but are guided by the model constitution approved by the United Presbyterian Synod, shall continue to administer their temporal affairs as hitherto, unless and until the congregation resolve to adopt one of the three methods of administration before described. Until one of these methods is adopted, the congregation shall observe the provisions contained in pars. 2, 3, and 7, Section III. of the committee of management.

Model Constitution of United Presbyterian Church.

3. A congregation whose temporal affairs are administered by managers acting under a constitution approved by the Presbytery which had jurisdiction over it before the union of the Free Church of Scotland and the United Presbyterian Church, or before its admission as a congregation of the United Free Church of Scotland, or under the model constitution approved by the United Presbyterian Synod, may by resolution adopted at a congregational meeting held after intimation from the pulpit specifying the object of the meeting and made on the two immediately preceding Sabbaths, and confirmed either at the annual congregational meeting or at a special meeting held at an interval of not less than three weeks after the resolution was adopted, and in either case after similar intimation, resolve to adopt the method of administration by managers described in Part II. of this Chapter, and such

Adoption of Rules in Part II.

resolution shall forthwith be reported to the Presbytery, and on being approved by the Presbytery the regulations contained in Part II. of this Chapter shall thenceforth supersede and come in place of those according to which their temporal affairs have previously been administered.

Part V. Change of Method of Administration

Requirements
of
Title-deeds.

1. A congregation may, in place of the method of administration of its temporal affairs in existence at the time, adopt any one of the methods detailed in Parts I., II., and III. Before adopting a method of administration, or changing from one method to another, congregations should see that their doing so is not repugnant to nor inconsistent with the terms on and purposes for which the congregation's heritable property is held ; and unless it is clear that these are not repugnant to nor inconsistent with the method proposed, it should not be adopted unless new titles can be obtained. It will be noted that the Model Trust Deed of the Free Church, under which the great majority of the former Free Church buildings are held, provides that these ' shall be under the immediate charge and management of the elders and *deacons*, or elders acting as *deacons*, for the time being, of the congregation in the use, occupation, and enjoyment for the time of such building or place of worship.'

Congre-
gational
Procedure.

2. A change from one to another of the three methods of administering temporal affairs above described can be adopted only at a congregational meeting held after intimation from the pulpit, specifying the object of the meeting, made on the two immediately preceding Sabbaths ; and the resolution to that effect must be confirmed either at the annual congregational meeting, or at a special meeting held at an interval of not less than three weeks after the resolution

was adopted, and in either case after similar intimation thereof.

3. Such resolution shall forthwith be reported to the Presbytery, which may ask for and require further information from the congregation ; and the Presbytery shall report the matter to the General Assembly, stating whether it approves or disapproves thereof ; and the General Assembly shall either approve or disapprove of the change, or dispose of the matter in such way as it shall deem right. No such change shall take effect until sanctioned by the General Assembly.¹

¹ See Act XII. of Class II., 1908, and Act II. of Class II., 1910, p. 178.

Report to
Presbytery
and to
Assembly.

CHAPTER III

THE CONGREGATION

SECTION I. MEMBERS

1. A congregation is a company of persons, together with their children, associated in a particular locality for Christian worship, instruction, fellowship, and work.

Members.

2. The members of a congregation in full communion are the persons who have been admitted as such by the Session. (See Chap. I., Sect. III. 9, page 9.)

Baptized Persons.

3. Baptized persons connected with the congregation, who have not been thus admitted, are members, though not in full communion, and are under the care and oversight of the Session.

Duties of Members.

4. It is the duty of members to give faithful attendance on Gospel ordinances ; to give their minister all dutiful respect, encouragement, and obedience in the Lord ; to submit to the Session as over them in the Lord ; to cherish a brotherly spirit among themselves ; and to promote the peace and prosperity of the congregation. It is also their duty to take a lively interest in all that concerns the welfare of the whole church ; to contribute heartily, as the Lord shall enable them, for the maintenance of the Christian ministry, and the furtherance of the Gospel at home and abroad ; and to manifest a Christian spirit in all the relationships of life.

Rights of Members.

5. Members in full communion, and they only, have a right to take part in the business of congregational meetings. A member desiring to bring any matter before the Session must do so by petition or memorial. For right of access

to the superior Courts, see Chap. VIII., Sect. 1. 2, page 151.

SECTION II. CONGREGATIONAL MEETINGS

1. Congregational meetings are held either for ecclesiastical or for temporal purposes.

A. Meetings for Ecclesiastical Purposes

2. All matters other than those which concern the ordinary financial affairs of the congregation, and the care of the church property, are dealt with at meetings for ecclesiastical purposes. The erection of church buildings, manse, or organ is a matter of ecclesiastical business, and if it is to be dealt with at a congregational meeting, that meeting must be regarded as held for ecclesiastical purposes. It is an approved practice for congregations to remit the erection of church buildings to a committee consisting of the deacons' court, or of the Session and managers, together with a number of other members of the congregation. When the election of a leader of praise or organist is made at a congregational meeting, the meeting must be regarded as one held for ecclesiastical purposes.

3. Meetings for ecclesiastical purposes are called by the Session; and the moderator of Session presides, and the session-clerk acts as clerk. In the absence of the moderator, any other minister of the Church, who is deputed by him or appointed by the Presbytery, presides.

4. The Presbytery or other superior Court may, when it sees cause, summon a meeting of the congregation, and appoint one of its own members to preside.

5. All congregational meetings must be called by intimation from the pulpit on the Lord's Day. With the exception of the first meeting after the intimation of a vacancy, or of a special meeting in connection with a call to the minister of the congregation (see Chap. IV., Sect. III., Div. 1. 34, page 69), all meetings must be in-

timated on the two preceding Sabbaths. The business to be considered must be specified in the notice calling the meeting.

Opening,
Closing.

Minutes.

Dissent.

Access to
Presbytery.

6. All congregational meetings are opened with prayer, after which the object of the meeting is stated by the chairman, and the intimation calling it read. Draft minutes of the proceedings are taken, and if approved of, are initialed by the chairman and clerk before the close of the meeting, and afterwards engrossed in the permanent record of the Session, and signed by the chairman and clerk. The meeting is closed with prayer.

7. Any member present at a congregational meeting may enter his dissent from any part of the proceedings of which he disapproves. Members have also the right to bring any decision or resolution of a congregational meeting, from which they have dissented, under the review of the Presbytery by petition transmitted through the Session.

B. Meetings for Temporal Purposes

(a) In Congregations which have a Deacons' Court

Annual
Meeting.

Special
Meetings.

8. An annual congregational meeting appointed by Act of Assembly (vii. 1846) must be called by the deacons' court as soon as possible after the close of the financial year. (See Chap II., Part I., Sect. III. 20, page 28.)

9. Special meetings of the congregation are called by the Session when necessary, and the minutes of these meetings are engrossed in the minute-book of the Session. Such meetings are presided over by the moderator of Session or a minister deputed by him.

(b) In Congregations which have a Committee of Management

Definition.

10. Meetings for temporal purposes deal with the ordinary financial affairs of the congregation, and the care of the church property.

11. Ordinary meetings for temporal purposes—that is, those which are held periodically as provided for in the constitution of the congregation—are called by the committee of management; and the preses of the managers presides, when he is present. In his absence, or when he requests that another chairman be appointed, the minister, or one of the elders or other members, may be chosen to act as chairman. The clerk of the committee acts as clerk.

12. The congregation holds an annual meeting as soon as convenient after the close of the financial year, of which meeting due notice is given from the pulpit before the congregation is dismissed on at least one Sabbath immediately preceding. At this meeting the managers report their proceedings and management during the year, and lay before the congregation an abstract of the income and expenditure during the year, with a statement of the congregation's pecuniary affairs as they then stand; and afford all information which may be required thereon. The congregation then proceeds to the election of the managers for the next year, unless they have previously been elected by means of voting papers, in which case the result of the vote is reported to the meeting. It is not competent for the congregation to transact any special business at the annual meeting; but a special meeting may be held on the same day, if it has been regularly called as provided for in next par. The General Assembly recommends that the financial year should close at 31st December.¹

13. Special meetings for temporal purposes are called by the committee of management, with the concurrence of the Session. At these a chairman chosen for the time presides, who may be the minister, or preses, or one of the elders or members, and the clerk of the committee of management acts as clerk. The busi-

¹ It also recommends the congregation to elect annually two auditors of the accounts. (See Act I. of Class II., 1908, p. 176.)

ness to be considered at a special congregational meeting must be distinctly specified in the notice calling the meeting and be intimated on the two Sabbaths preceding. The minutes of these meetings are engrossed in the minute-book of the committee of management.

Opening, Conducting, and Closing. 14. All meetings for temporal purposes are opened, closed, and conducted in the same manner as meetings for ecclesiastical purposes, and members present at them have likewise the right of dissent and petition. (See Rules, A. 6 and 7, page 40.)

(c) *In Congregations which have a Congregational Board*

15. The rules for congregational meetings in congregations which have a deacons' court apply.

SECTION III. NEW CONGREGATIONS

Title-deeds and Trustees.

1. When a new congregation is being erected, and property acquired for a church, manse, or other church buildings, title-deeds should be prepared and trustees appointed according to the 'Model Trust Deed' either of the Free Church or of the United Presbyterian Church. The title-deeds when drafted should be submitted to one of the Law Agents of the Church for revision before being adopted. They should state that the trustees, other than trustees *ex officio*, are members of the congregation; and that if they cease to be members they cease to be trustees.

Mode of Administration.

2. At a special meeting duly called for the purpose, the congregation decides which of the following methods of administration of its temporal affairs, as detailed in Chap. II., it will adopt, namely:—(1) The Deacons' Court; or (2) The Committee of Management; or (3) The Congregational Board.

CHAPTER IV

THE PRESBYTERY

SECTION I. CONSTITUTION AND OFFICIALS

1. A Presbytery is formed by the General Assembly, and in the Act forming it the bounds thereof are defined, the designation fixed, and the place and time of the first meeting appointed. The senior minister present presides at that meeting until the Presbytery has been duly constituted, the roll of members made up, and a moderator elected.

2. A Presbytery consists of (1) all the ministers of congregations within the bounds fixed, colleagues and successors being included ; (2) all ministers *emeriti* of its congregations, whose membership has been retained at the time of their retirement ; (3) the professors of theology whose appointed sphere of labour lies within the Presbytery ; (4) such ordained ministers, within the bounds and not having charges, as have been constituted members by authority of the General Assembly ; (5) representative elders from the Sessions ; and (6) in Presbyteries which have professors of theology as members, elders elected by the Presbytery equal in number to the professors.

3. Representative elders receive commissions from the Sessions by which they are appointed, constituting them members of Presbytery and Synod till the close of next General Assembly. The commissions, which must be in the form of an extract minute, besides intimating the fact of their election must certify that the persons named are *bona fide* acting elders in the congrega-

Formation
of Presby-
tery.

Ruling
Elders re-
presenting
Sessions.

tion, or in some other congregation within the bounds of the Presbytery, or be accompanied by a certificate to that effect from the Session of which they are members. The election must take place within two months after the close of the Assembly, and commissions must not bear a later date, except in the case of newly sanctioned charges, or of appointments to fill up subsequently emerging vacancies. A previous representative cannot continue to sit beyond those two months unless reappointed. A ruling elder cannot be allowed to take his seat in the Presbytery without a commission. Commissions may be received and sustained at a meeting *pro re nata*, or *in hunc effectum*, as well as at an ordinary meeting. In the event of a representative elder ceasing to be a member of Presbytery before his commission expires, a successor may be elected within one month thereafter. (For Form of Commission see Appendix, page 238.)

Assessors.

4. In special circumstances the General Assembly or the Provincial Synod may appoint members of other Presbyteries to sit in a Presbytery as assessors, with power to act as ordinary members in the causes to which their appointment refers.

Corresponding Members.

5. A Presbytery may invite any member of another Presbytery present at its meeting to be a corresponding member. A corresponding member has a right to speak, but not to vote, on any question before the Court.

Election of Moderator.

6. The Presbytery elects one of the ministers on its roll to be moderator. The moderator holds office for such time as the Presbytery may determine, but it is recommended that the appointment should never be for a longer time than twelve months.

Duties of Moderator.

7. The duties of the moderator are, to constitute and conclude each meeting with prayer; to preserve order; to take the vote; to announce the decisions; to instruct parties at the bar; to administer rebukes and admonitions; to call on members to state their views,

or to discharge any function which may have been assigned to them ; to see that the business done has been duly recorded ; to sign the minutes ; and in general to speak and act officially in name of the Presbytery according as it authorises.

8. The moderator has no deliberative vote, but in cases of equality he has a casting vote. He is not permitted to take part in any discussion while he occupies the chair, but he may ask leave to vacate the chair for the purpose of expressing his opinion. When this request is granted, an *interim* moderator is appointed. The moderator vacates the chair when he is a party in a cause before the Court.

9. In the absence of the moderator a previous moderator, and failing such the senior minister present, takes the chair and constitutes the meeting. Thereafter the Presbytery may appoint any other ministerial member as moderator *pro tempore*, if it see cause. But if the moderator appears at any stage of the proceedings, he takes the chair, and the fact is recorded.

10. The Presbytery has power to appoint a minister to act as moderator *pro tempore* on any particular occasion.

11. The Presbytery appoints one or more clerks, who hold office during the pleasure of the Presbytery. Every clerk on his appointment solemnly promises to discharge the duties of his office with fidelity. It is his duty to keep an accurate roll of the members of the Presbytery ; to write regular minutes of the Presbytery's proceedings, and to engross the same in a permanent record ; to bring before the Court matters of business ; to give intimation of the Presbytery's decisions, and to furnish such extracts to all parties interested as the Presbytery may have allowed ; to take charge of all the Presbytery's papers, books, and documents ; and to carry out the instructions of the Presbytery. The clerk receives a salary fixed by the Presbytery.

Clerks of
Presby-
teries.

Officer.

12. In the absence of the clerk the Presbytery appoints one of its members to act as clerk *pro tempore*. The fact of the appointment is entered in the minutes.

Presbytery Fund.

13. The Presbytery appoints an officer to wait on its meetings and to execute its orders. At his appointment he promises to perform the duties of his office with fidelity. He receives a salary fixed by the Presbytery.

Quorum.

14. The Presbytery has the right to assess the congregations under its jurisdiction, so as to obtain such funds as may be necessary for carrying on its business, and a treasurer is appointed to take charge of the Presbytery's funds.

Meetings.

SECTION II. MEETINGS AND PROCEDURE

Restrictions on time of Meeting.

1. Three members of Presbytery form a quorum, provided that two of them are ministers.

2. The election of representatives to the General Assembly renders two meetings of Presbytery indispensable in the course of the year. Apart from the special limitations imposed on Presbyteries with regard to these two meetings, they have the power of meeting when they judge it expedient. In the exercise of this power it is necessary for them at each ordinary meeting to resolve when the next ordinary meeting shall be held, to enter the resolution in their minutes, and to cause public intimation of it to be made. If these requirements are neglected by a Presbytery, its powers and functions lapse altogether until revived in a constitutional manner.

3. No meeting of Presbytery can be held while either the General Assembly or the Provincial Synod of the district is sitting, except when special leave to that effect has been granted by the Assembly or Synod respectively. Presbyteries within a radius of fifty miles of Edinburgh are prohibited from meeting on the days appointed for the stated meetings of the Commission of the Assembly.

4. An ordinary meeting of Presbytery is one which takes place in consequence of an express adjournment for ordinary business from a previous ordinary meeting, or in consequence of an express appointment by the General Assembly or the Provincial Synod, or in consequence of the lapsed powers and functions of the Presbytery having been revived in a constitutional manner.

Every Presbytery fixes one or more places at which ordinary meetings are held. If it is resolved to hold a meeting for ordinary business at any other place, or to transact ordinary business at a meeting appointed on account of special business, care must be taken that sufficient notice of the time and place of meeting be given to all the members.

5. An *in hunc effectum* meeting of Presbytery is a meeting specially appointed by the Presbytery for the transaction of specified business. This kind of meeting requires that the particular business and the time and place of meeting be specified in the minute of the meeting which appointed it, along with the resolution to meet *in hunc effectum*, and that public intimation thereof be made at that meeting. No business can be transacted at an *in hunc effectum* meeting except that for which it has been appointed.

6. A *pro re nata* meeting is a meeting called during the interval between one ordinary meeting and another, in consequence of some unexpected business having arisen which requires to be immediately attended to. Such a meeting may be called by the moderator, either on his own motion, or in consequence of a requisition addressed to him by at least three of the members. It is required that due notice of the meeting be given to every member, and that the specific business for which it is called be distinctly stated in the circular calling it, and no other business can be transacted at it. When the meeting takes place, the moderator must explain his reasons for calling it, and the Presbytery must pronounce judgment upon his conduct.

in doing so. The Presbytery may adjourn, if necessary, to a date previous to next ordinary meeting to complete the business. If the moderator decline to call a *pro re nata* meeting after a requisition to do so has been addressed to him, the whole circumstances of the case may be brought before the Presbytery at its next ordinary meeting. In the event of the death of the moderator, and until a successor is appointed, his rights and duties in connection with the calling of *pro re nata* meetings devolve upon the clerk.

Death of a
Minister.

7. On the occasion of the death of a minister the Presbytery may meet without formal summons on the day of the funeral, and make arrangements for supply of the pulpit and for other necessary matters.

Presbytery
lapsed.

8. When from any cause the powers and functions of a Presbytery have lapsed, it shall be competent for any three or more of its members to address a requisition to the moderator, failing whom to the clerk, to call a meeting of the members of Presbytery for the purpose of appointing a day on which the Presbytery shall meet and proceed with ordinary business; and the moderator or clerk shall be bound to comply with such a requisition and to call a meeting, to be held on a day not less than ten nor more than fifteen days from the date of the requisition, by circular letter addressed to every member on the roll of the Presbytery. This meeting when held shall be considered a *pro re nata* meeting, at which no business can be transacted except the appointment of a day for an ordinary meeting. At the next ensuing meeting of the Provincial Synod, the Presbytery shall be bound to explain the causes that have necessitated its adopting this special procedure, and shall be liable to censure if the explanation be unsatisfactory.

Opening and
Closing.

9. Every meeting of Presbytery is both opened and closed with prayer. The usual and approved practice is to open every ordinary

meeting with praise, reading of the Scriptures, and prayer. The minute must bear at the outset Minutes. that the Presbytery was constituted (which expression is understood to imply that it was constituted with prayer, and that a sufficient sederunt had been ascertained), and, at the end, that the meeting was closed with prayer. No minute can be sustained as valid if it does not mention these two particulars. The names of all the members present must be recorded. Apologies for absence, sustained for adequate reasons given, are recorded. No extract from the minutes can be received which does not bear that the Presbytery was constituted, and which is not certified by the Presbytery clerk as having been extracted by him from the records of the Presbytery.

10. At each ordinary meeting, after it is ascertained that there is a quorum in attendance, and before the Presbytery proceeds to any other business, the minutes of the previous ordinary meeting and of any intervening *in hunc effectum* or *pro re nata* meeting are submitted. The Presbytery must then either approve of these minutes as submitted, or correct them and approve of them as corrected. They cannot afterwards be altered, except by the authority of a higher Court. The minutes of any proceedings which have taken place when the Presbytery was alone are not of necessity submitted for approval until the Presbytery is again alone at an ordinary meeting. The approval or correcting of the minutes does not imply any power to alter the *res gestæ* of the meeting. The only question is the correctness of the minutes as a true account of what was done.

If the minute of a former meeting has been engrossed in the permanent record before being submitted for approval, it should when approved be signed in presence of the Court by the moderator and the clerk. If the minute of a former meeting is submitted in draft, the moderator and

the clerk initial the draft when approved, and afterwards sign the minute when engrossed in the permanent record. The moderator and clerk who sign may be either those who officiated at the meeting of which the minute is the record, or those who officiated at the meeting at which it was approved ; but the practice of a Presbytery in this respect must be uniform.

Correction. If in engrossing a minute in the permanent record the clerk finds it necessary to correct any mistake made *per incuriam*, he shall make the correction on the margin and attest it by his initials. If words have to be added, they are placed in the margin with a *caret* (^). If words have to be deleted, the pen is drawn through them, and the marginal entry states in words (not figures) the number deleted.

When a minute engrossed in the minute-book is submitted for approval at a subsequent meeting of the Court, and the Court considers that it does not correctly or fully state the *res gestæ*, it shall specify in the minute of such subsequent meeting the correction required ; and a note shall be put on the margin of the minute corrected referring to the subsequent minute correcting it, and shall be signed by the clerk.

For alteration and correction of minutes by a Court of review, see Section III., Division II. 2, pages 87, 88.

When from any cause a moderator or clerk cannot sign a minute which requires his signature, the Presbytery shall appoint such minute to be signed by its authority ; and the person appointed to sign such minute shall append to his signature the date of the minute authorising him to do so.

**Order of
Business.**

11. After the minutes are signed and the roll adjusted, all petitions, references, and papers of any kind to be submitted to the Presbytery, which have been previously put into the hands of the clerk, are laid on the table. The clerk intimates all causes and business to be brought before the Court, and the Presbytery determines

the order in which they are to be taken up. Business left over from a previous meeting has ordinarily precedence of new matters. Business appointed for a specified hour must be taken up at the time fixed.

12. At the first ordinary meeting of Presby-
tery after the close of the General Assembly the
commissions of representative elders are called
for. If any Session has failed to send one, the
clerk of Presbytery shall within one month after
the close of the Assembly call upon such Session
to make the necessary election forthwith, with
intimation that if no appointment is made within
two months after the close of the Assembly, none
can be made till the close of next Assembly.

Commiss-
ions of
Elders
called for.

13. For greater freedom in the discussion of
important questions the Presbytery may resolve
to meet in conference, and the conference may
appoint the moderator or any other of its mem-
bers to preside. No resolutions framed nor
decisions adopted at such a conference are re-
corded in the minutes of the Presbytery; the
object being to ripen opinion for subsequent de-
cision, or to influence public opinion and action.

Presbytery
in confer-
ence.

14. For the consideration of any matter in-
volving a variety of details, or for other reasons,
the Presbytery may resolve to meet in committee
of the whole House and appoint a chairman,
who may be the moderator or any other member.
When this is done the ordinary rules of debate are
understood to be suspended. When resolutions
are framed or decisions adopted in this com-
mittee, they are reported to the Presbytery when
it resumes, and they are usually adopted by the
Presbytery without further discussion, the right
of dissent, or of dissent and complaint, being
reserved. (See Chap. VIII., Sect. IV., page 156,
and VI. 4, page 163.)

Committee
of whole
House.

15. The Presbytery may appoint committees
of its number for the more careful and minute
consideration of those portions of business which
seem to require such appointment, it being
understood that these committees keep regular

Committees.

minutes and are to report to the Presbytery, which will record its own judgment upon the subjects of the several reports. Each committee has a convener who has a casting vote, but unless otherwise appointed by the Presbytery, no deliberative vote. Committees cannot meet when the Presbytery is sitting except by leave of the Court.

Motions and speaking. 16. With a view to a Presbytery coming to a decision upon any question, a member of Presbytery must make a motion on the subject.

(1) In cases in which parties are heard at the bar no previous notice of motion bearing on the merits of the case can be given. But in matters which do not involve the hearing of parties, and especially in matters of legislation, it is usual to give notice at a previous meeting of any motion which is to be brought forward.

Rules of Debate. (2) Any motion submitted to the Presbytery should be committed to writing and given in to the clerk. If, after the mover has addressed the Presbytery, the motion be not seconded, it falls to the ground without discussion. When it is duly seconded, it is open either for adoption or for discussion. No alteration can be made upon it without the leave of the Presbytery, except in the shape of an amendment, or second or third motion, proposed and seconded by other members who object to the first motion as it stands. A motion made and seconded cannot be withdrawn without the leave of the Presbytery.

(3) In the discussion on motions a member is entitled to speak only once, but he may ask leave to explain something he has said which seems to be misunderstood. Leave is usually granted. The member who introduces the first motion, however, has a right to reply, but is not permitted to introduce any new matter into his reply. After the reply the discussion is held to be closed, and the vote is taken.

(4) Any member has a right to call a speaker to order; and immediately on his doing so the speaker stops until the question of order is de-

Call to order.

terminated. The member calling to order is then allowed to state briefly the grounds on which the call has been made ; but no other member is entitled to speak to the point of order unless at the request of the moderator, with whom the decision rests. Members calling to order unnecessarily are liable to the censure of the Court.

When the moderator has announced his decision with regard to a point of order, or to the competency of a motion submitted, the Court in all ordinary circumstances accepts that decision as final. When a member intimates that he cannot *aequiesce* in the ruling of the moderator, the point on which the ruling was given is submitted, without discussion, to the judgment of the Court.

Ruling
of the
Moderator.

17. In voting a Presbytery is guided mainly by the principles exhibited in the standing orders of the Assembly, except that the result of any vote is ascertained simply by a show of hands or by calling the roll, each of the members present saying, when called,—first motion, or second motion, or amendment ; or naming the motion he votes for in the way agreed upon.

Voting.

(1) When there are only two motions before a Presbytery on any subject, the statement of the vote is—*motion* or *amendment*, or *first* or *second* motion, the amendment or second motion being put first. When the vote is taken by calling the roll, it is called by the clerk or some one assisting him, and the votes are marked for the one motion or the other. The one preferred by a majority is announced and intimated as the decision of the Presbytery.

(2) When there are three motions, the two *amendments* or the *second* and *third* motions should be put against each other in the first instance, the third motion being put first. The one of these which is carried by a majority is then put against the original motion, and the one which is carried on this second vote is announced and intimated as the decision of the Presbytery.

(3) The same principle is followed with a larger number of motions or amendments. They are all disposed of by being put against each other in the reverse order to that in which the motions were made. The question may thus always be reduced to a vote between the original motion and that amendment or motion, whether it be second, third, fourth, or fifth, which has been preferred through successive votes, as the one to be placed in immediate competition with the original motion.

(4) During the taking of a vote the doors ought to be closed, so as to avoid all confusion by members going out or coming in.

Intimation
of Decisions. 18. Decisions of Presbytery are communicated to those whom they concern either *apud acta*, that is, verbally to parties present, or by extracts.

Extracts. (1) Parties in cases before Presbyteries are entitled to extracts from the record containing those parts of the minutes in which they are concerned. The parties who acquiesce in a judgment are equally entitled, with those who appeal against it, to crave extracts. Other parties desiring extracts crave the Presbytery for them. But the clerk is not at liberty to give extracts without the express leave of the Presbytery.

(2) In all cases where extracts are craved, the clerk is entitled, before furnishing them, to such remuneration as the Presbytery may fix.

Dissents. 19. When a cause has been concluded, the minute adjusted, and the decision arrived at announced by the moderator, it is competent for any member who has voted to crave leave to enter his dissent. (As to right of dissent see further Chap. VIII., Sect. vi., page 163.)

An open
Court. 20. The Presbytery is an open Court, but it may sit in private when it judges it necessary or expedient, and must do so when required by the law of the Church, or by instruction of a superior Court.

SECTION III. POWERS AND FUNCTIONS

The functions of a Presbytery may be comprehended under three divisions, embracing respectively the department of original action ; the department of review ; and the special relations of the Presbytery to the superior Courts.

Three Divisions of Functions.

DIVISION I. DEPARTMENT OF ORIGINAL ACTION

Training of the Ministry

1. The Presbytery possesses the function of deciding whether applicants are qualified, or not to be received into the number of enrolled students of theology, with a view to their becoming preachers of the Gospel, who may be called to the pastoral office. It has also the function of examining them as to their qualifications at any stage of their progress ; of determining in due time, after examination, whether they may be licensed to preach the Gospel or not ; and of licensing them if they be found qualified. The Presbytery in the exercise of these functions is regulated by Acts of the Supreme Court of the Church.

Power as to admission and licensing.

The following are the regulations at present in force (see *The College Calendar*) :—

(1) Applicants for admission to the study of theology shall be nominated to the Presbytery of the bounds by their ministers, who shall certify that they are members in full communion with the Church, and submit their University class tickets and certificates of regular attendance on, and due performance of, the work of the classes, as prescribed by the Church.

Applicants nominated by their ministers.

(2) Presbyteries shall confer by committee or otherwise with all applicants who have been duly nominated to them in regard to their piety and motives ; and on being satisfied as to these, and also concerning their general fitness to go forward to the office of the ministry, shall

Presbyteries confer with them.

certify them to the College Committee for admission to the entrance examination.

Names reported to College Committee.

(3) The names of all students certified for admission to the entrance examination shall be forwarded to the clerk of the College Committee before the end of August.

Students certified to Presbyteries.

(4) At the close of each session the College Committee certifies regarding each student to the Presbytery with which he is connected, whether his session has been sustained.

Recess Exercises.

(5) During each recess students are required to appear at least once before the Presbytery under whose superintendence they are, either to be examined in theology or to deliver a discourse; and the Presbytery is required to certify to the College Committee that this intersessional work has been performed and sustained.

Presbyteries are urged to give attention to delivery when hearing intersessional discourses, and in trials for licence.

Application for Licence intimated to Presbyteries.

(6) Students entering on the last session of their theological course are required to intimate to the College Committee the Presbytery to which they intend to apply for licence. The College Committee shall draw up a list of these students and their Presbyteries, and shall send a copy of the same, not later than 15th December in each year, to the clerk of each Presbytery in the Church, to be laid before his Presbytery, with the intimation that, if no objections are received from any other Presbytery by the Presbytery to which a student applies for licence before the 15th day of April following, the said Presbytery will proceed to take such student on trials.¹

(7) If, for any special reason deemed sufficient by the Presbytery to which he applies for licence, the name of any student has not been given in for insertion in the aforesaid list, the Presbytery may itself send his name to the other Presbyteries of the Church, with intimation that, if no objections are received within three calendar months, it will proceed to take him on trials. In

¹ See Act X. of Class II., 1912. p. 181.

this case the expense of intimation shall fall on the student himself.

(8) No Presbytery shall receive a student on trials without certification that he has satisfied the requirements of the College Committee, nor unless it has satisfied itself as to his character. And the Presbytery may require testimonials as to a student's character and conduct from any other Presbytery within whose bounds he has resided at any time during the year preceding licence.

(9) The Presbytery which takes a student on trials for licence shall require from him the following exercises on subjects which it has prescribed :—(a) a Lecture ; (b) a Sermon ; (c) a Thesis. It shall also examine him on Doctrine and Experimental Theology, but it is empowered to dispense with other examinations.

(10) At the request of a student it shall be competent to any Presbytery to transfer him to another Presbytery at any time during his curriculum. The transference may also be made at the close of his curriculum, or after he has entered on trials for licence. In this case the certificate of transference must state whether the student has been regularly received for trials, and what part (if any) of his trials has already been sustained.

(11) Besides passing a judgment, sustaining or not sustaining each part of the trials separately, the Presbytery shall also, after all have been sustained separately, pass a judgment on the whole by a regular vote, 'sustain or not sustain these trials.' The trials having been sustained, the student shall be required to answer the prescribed Questions and to sign the relative Formula. Thereupon the moderator, after prayer, shall put to the Presbytery the question, 'License or not ?' If it is resolved to proceed to license, the moderator shall address the student as follows :—'In the Name of the Lord Jesus Christ, the King and Head of the Church, and in the exercise of the authority with which

He has invested its office-bearers, we the Presbytery of [redacted], do now license you, A. B., to preach the Gospel of Christ, and to exercise your gifts as a probationer for the holy ministry in this Church; and we commend you to the grace of God in the discharge of all your duties as a preacher of the Gospel.' The moderator shall then address suitable counsels to the licentiate, and conclude with prayer. The clerk of Presbytery shall furnish the licentiate with an extract of his licence. He shall also within a week after the student has been licensed send the name and address of the licentiate, with the date of his licence, to the clerk of the Committee on the Distribution of Probationers.

Oversight of Licentiates and Ministers without Charges

Licentiates.

2. Licentiates remain under the supervision and subject to the authority of the Presbytery which licensed them, till they are regularly transferred to another Presbytery. A licentiate removing from the bounds of the Presbytery that licensed him, or within which he has been residing, and fixing his residence within the bounds of another Presbytery, shall present to that Presbytery an extract of his licence, and a presbyterial certificate of character from the Presbytery which he has left.

Ministers.

Ministers who are not members of any Presbytery are subject to the jurisdiction of the Presbytery within whose bounds they reside.

Vacant Congregations

Vacant Congregations.

3. It is the duty of the Presbytery to take a special oversight of a congregation in which the pastoral charge is vacant; to see that ordinances are duly administered and discipline maintained; to appoint one of its members as *interim* moderator of the Session, and to carry out the laws of the Church as to filling up the vacancy.

4. During a vacancy in the pastoral office the *interim* moderator of Session is entitled and called upon, so far as he can do so consistently with his duty to his own flock, to execute all the spiritual functions that would otherwise belong to the stated pastor.

Procedure
in filling up
a vacancy.

5. It is not his duty to take charge of convening the deacons' court, that duty being expressly assigned to the clerk of the deacons' court during a vacancy in the pastoral office ; but, as representing the Presbytery, the *interim* moderator of Session stands in the same position as the stated minister in regard to the use of the church and other ecclesiastical buildings.

6. A vacancy in the pastoral office can be formally declared from the pulpit only by a minister regularly appointed by the Presbytery or a superior Court to discharge that duty.

7. The following classes of persons are qualified to be elected, called, and admitted as ministers of congregations in the United Free Church of Scotland :—

(1) All persons who have been admitted to the status of ministers by Presbyteries of the Church, or who were admitted by Presbyteries of the Free Church or of the United Presbyterian Church before the Union in 1900, and have not lost that status, whether they hold any pastoral charge or not ; provided no special limitation as to the acceptance of calls has been attached to their ordination.

Who are eli-
gible for
Election.

(2) All persons who have been licensed to preach the Gospel by any Presbytery of the Church, or of the Free Church or the United Presbyterian Church before the Union, without any special limitation being attached to their licence.

(3) Ministers settled in charges in the Presbyterian Church of England ; in the Presbyterian Church in Ireland ; and in Presbyterian Churches in the Colonies, which are in connection with this Church.¹

¹ These are the Canadian, Australian, New Zealand, and South African Presbyterian Churches.

(4) Ministers without charges and probationers from the Presbyterian Church of England, on their producing satisfactory presbyterial certificates to the Presbytery within whose bounds they already are, or are about to become, resident.

(5) Ministers and probationers not included in the classes already mentioned, who have been admitted by authority of the Supreme Court to the status of ministers or probationers of the United Free Church of Scotland.

Election and Calling of Ministers

Election and
Calling of
Ministers.

8. When a vacancy takes place in a congregation, the Presbytery of the bounds shall, without delay, appoint one of the ministers to preach in said congregation, and to intimate the vacancy, and shall also appoint a minister to be *interim* moderator of the Session, and to preside at all congregational meetings that may be held during the vacancy.

Congrega-
tional
Meeting.

9. Unless special grounds exist for delaying to fill up the vacancy, the minister intimating it shall by authority of the Presbytery call a meeting of the congregation to be held on an early day.

Form of Ex-
hortation.

10. A form of exhortation prepared by the General Assembly shall be read at this meeting, setting forth the duties and responsibilities in the election of a minister pertaining to all the parties concerned, namely, to the congregation, to the Presbytery, and to the person or persons put in nomination.

Congrega-
tional
Committee.

11. Unless the congregation is prepared at this meeting to elect a minister, it may nominate certain of its members, who, along with the elders and deacons, or managers, shall be a committee for bringing before the congregation one or more eligible persons with a view to the election of a pastor ; or it may, without appointing a committee, apply to the Distribution Committee for a regular supply of probationers for a specified period.

12. In providing for the supply of the pulpit by probationers, with a view to the selection of a minister, regard must be had to any Act of Assembly or Rules sanctioned by the Assembly as to the Distribution of Probationers. (For Rules at present in force see Appendix, page 198.)¹

13. As soon as convenient after a vacancy has taken place and when steps are being taken to procure a minister, the proposed financial arrangements are submitted to the Presbytery and, so far as necessary, to the Sustentation and Augmentation Funds Committee for their approval. In the case of congregations connected with the Sustentation Fund the Presbytery satisfies itself as to the working of the association for the support of that fund; reports concerning it to the Sustentation and Augmentation Funds Committee; and receives the Committee's judgment upon the report. Where a congregation on the platform of the equal dividend has been contributing less than the amount of the dividend, the report shall contain such particulars as may enable the Committee to judge whether it ought or ought not to be continued on that platform. (Act VI. of Assembly 1861.) A similar report to the Committee, and the judgment of the Committee upon it, are required in the case of congregations receiving grants from the Augmentation Fund.

These regulations apply also to applications for colleagues and successors. When such applications proceed from congregations connected with the Sustentation Fund, they must be forwarded by the Presbytery to the Commission in March, by whom they are transmitted to the Committee concerned. The Committee reports on the applications to the General Assembly, which alone can grant leave to proceed with a call. When they proceed from congregations receiving aid from the Augmentation Fund the Presbytery reports them to the

¹ See Act III. of Class II., 1910, p. 179.

Committee, and moderation in a call cannot be granted till its favourable judgment has been received.

Who may vote.

14. The election and calling of a minister for any congregation belong to the members of the congregation in full communion; the mode of election and calling being subject to the regulation of the Church Courts. No vote shall be allowed or recorded at any meeting for considering as to an election, unless the vote is given by a member of the congregation who is personally present and whose name is on the attested roll.

Attested Roll.

15. Before any meeting is held to consider the question of electing a minister, the Session shall make up, attest, and lay on the table of the Presbytery a roll of communicants, which the Presbytery shall also attest. The roll of communicants so made up and attested previously to the first congregational meeting at which a minister may be elected, shall, previously to any subsequent meeting for the election of a minister, be purged of all those who in the meantime have died, or have been disjoined from the congregation, and the names of those who in the meantime have been admitted as communicants in the congregation shall be added to the roll; and the roll thus made up must be duly attested by the Session. (For directions as to making up this roll see Chap. I., Sect. III. 7, pages 8 and 9.)

Meeting for Election.

16. When a committee on the election of a minister has been appointed and is prepared to report, or when there is reason to believe that the congregation is prepared to proceed to an election, a congregational meeting is to be held on an early day. This meeting must be intimated on the two Sabbaths immediately preceding. If it appears that the congregation is not prepared at that meeting to elect a minister, the congregation takes such further competent action as may seem advisable. It may appoint a committee, if one has not previously been appointed, and give it such instructions as it

may think right; and if there is an existing committee, may add to its number and may give it such instructions as are thought advisable; or it may resolve to proceed without a committee.

17. When a meeting is held to consider as to the election of a minister, the moderator first of all ascertains that the meeting has been duly called on the two Sabbaths immediately preceding by an intimation specifying its purpose. He then intimates to the meeting that only members whose names are on the attested roll are entitled to take part in it. Regularity of Meeting.

18. At every such meeting, if a committee has been appointed, the first business is the consideration of any report that committee may submit. Where there is no committee the meeting confers as to whether it is prepared to proceed to an election. When it is resolved to proceed to an election nominations are called for. These are not restricted to names submitted in a committee's report. Any member of the congregation may nominate any person who is eligible by the laws of the Church. The names of those who have been duly proposed and seconded are taken down; and after the moderator has ascertained that no other name is to be proposed, the leet is declared closed. Before the vote is taken the moderator leads the congregation in prayer for divine direction. After the vote is taken the congregation determines whether it will apply for a moderation or not.

19. When only one person has been nominated Voting. the question is put, 'Elect Mr. —— or not.' When more names than one have been proposed, they are put successively in the order in which they have been proposed; the name having fewest votes is dropped, and the vote is again taken on the remaining names, and so on till only one name remains. But if at any stage in the voting more votes are given for one person than for all the others collectively, the names of these others are dropped without further voting.

The question is then put, ‘Apply to the Presbytery to moderate in a call or not.’ Before putting this question the moderator explains that his putting it enables the minority to acquiesce, if so minded, in the decision of the majority.

Commissioners.

20. When it is resolved to apply to the Presbytery to moderate in a call, the congregation appoints commissioners to support the application before the Presbytery.

Minute of Meeting.

21. The minute of the congregational meeting must be transmitted to the Presbytery by the Session.

Call accepted by Minister in a charge.

22. When the minister of a congregation accepts a call to another congregation in the United Kingdom, he is not loosed from his charge till he is inducted to his new charge. Until then he remains responsible for the due administration of ordinances ; and the congregation continues to be responsible for the amount of stipend promised. When the call is to a congregation furth of the United Kingdom, the minister is loosed from his charge when the call is accepted.

23. The Presbytery may, if it see cause, at the same meeting at which the minister has accepted a call, appoint an *interim* moderator of Session, who shall be associated with the minister until he is loosed from his charge, with a view to acting in all matters connected with the approaching vacancy, and shall subsequently take full charge.

If this procedure be adopted, a congregational meeting shall be called as soon as possible after a minister has accepted a call, at which the *interim* moderator shall preside, for the purpose of taking the usual initial steps towards choosing a minister. By arrangement with the outgoing minister, the congregation may then proceed at once to hear candidates under the ordinary regulations ; but no election shall take place until after the out-going minister is loosed from his charge, and the vacancy intimated to the congregation.

24. The General Assembly has enacted that appointments by the Distribution Committee shall run from the time when the Presbytery agrees to the translation.

Moderation in a Call¹

25. When a congregation has resolved to apply to the Presbytery to moderate in a call, the application, along with the minute of the congregational meeting, is submitted to the first ordinary meeting of the Presbytery after the resolution has been adopted, or to a meeting specially called for the purpose of considering the application. The *interim* moderator gives in a report as to the condition of the congregation and its ripeness for calling a pastor. The commissioners from the congregation are then heard; and questions may be put to them through the moderator of the Presbytery. Any petition against granting moderation shall then be given in, considered, and disposed of.

26. In view of all the facts brought before it the Presbytery decides whether moderation in a call should be granted; or whether from want of harmony it is inexpedient to do so. If moderation is granted, the Presbytery decides whether it will moderate in a call to a person named, or in a call at large. Moderation in a call at large must be appointed, unless there is clear indication of a harmonious desire for the person named.

27. When the circumstances are such that the Presbytery does not feel warranted to proceed immediately to moderate in a call, it shall hold a meeting with the congregation, and shall not proceed to moderate in a call till it has exhausted all means for producing harmony; and, should these means prove unsuccessful, it shall refer the matter to the superior Courts for advice.

28. When the Presbytery is prepared to moderate in a call, it fixes a day and hour in a Call.

¹ See Act III. of Class II., 1905, p. 172.

for doing so. Notice of the day and hour and intended procedure, specifying whether it is moderation in a call at large or to a person named, must be given from the pulpit of the vacant congregation on the two Sabbaths immediately preceding. At the specified time the Presbytery meets in the church of the vacant charge ; and after it has been ascertained that the notice was duly given, the moderator (either ordinary or *ad interim*) conducts public worship. He then states the object of the meeting. The form of a call is produced and read, with a space for the name of the person to be called if it is a call at large, or with the name of the person inserted, upon whose election the congregation has already agreed, if it is a call to one already agreed on. The congregation is then asked, in the one case, whose name it desires to have inserted in the call ; and in the other, whether it desires or not that the form of call produced be acted on. When the call has been agreed to, the persons present whose names are on the attested roll are invited to come forward and adhibit their signatures. A call at large can be subscribed only by those who personally adhibit their names ; but when a call is moderated in to an individual whose name is in the notice announcing the moderation, it may be subscribed on behalf of members not present when mandates, which may be signed by one or more persons, authorising such subscription are produced. The communion roll, as specially adjusted and attested by the Session, with a view to the election, ought to be produced at the time of moderating in the call, in order that no one may be permitted to subscribe the call as a communicant whose name does not appear upon that roll. After the call has been subscribed by all the communicants who desire to subscribe it, or by their mandatories, the moderator attests it as thus subscribed. A form of concurrence in the call is at the same time produced, which adherents over fourteen years of age are invited

to subscribe, and this also is attested by the moderator. Opportunity of dissent is then given, and if any dissents are tendered, they are recorded. The Presbytery then considers whether the call should be sustained. If there be dissents implying a serious division in the congregation, the call cannot be sustained or found sufficient unless it be signed by a majority of the whole members on the roll. Even in that case the Presbytery may find it necessary to refer the matter to the superior Courts. But no appeal exists procedure until the Presbytery has moderated in and sustained a call.

29. The Presbytery may, if it think fit, Further Signatures. arrange opportunities for further signatures being exhibited to the call before disposing of it. When arrangements are made for this, the call is left in the custody of the Session. But no signatures that are not exhibited in presence of the Presbytery can be added, except within the church premises and at times of which public intimation has been made to the congregation. On every such occasion of signing two elders shall be present, who shall attest the signatures, specifying the number who have signed at that time.

30. Dissents from a call can be received only when they are tendered at the meeting immediately after the call has been attested by the moderator. If they be accompanied by specification of reasons either against the suitableness of the person called for filling the particular vacancy, or against the proposed settlement, they must be disposed of by the Presbytery, either at that meeting or at a subsequent meeting to which the business is adjourned. When consideration of sustaining the call is adjourned, the congregation appoints commissioners to act for it in all further proceedings in the call. The fullest opportunity must be given to the members on the roll for stating objections. When the objections require special investigation, the consideration of them must be adjourned; and they

Opportunity
for Reasons
against Call.

must be considered at a subsequent meeting to which all parties are duly summoned.

Necessity of formal procedure as to some objections.

31. If the objections do not affect the moral character or the orthodoxy of the probationer or minister to whom the call is addressed, the Presbytery may judge of them, and come to a determination respecting their validity after hearing all parties, and taking such evidence as it may procure or think needful, without adopting such formal procedure as is requisite when grave personal charges are brought forward. But when an objection made involves a charge affecting the orthodoxy or moral character of the minister or probationer, the Presbytery must insist upon the objectors submitting a written statement of the particulars thereof and the grounds on which the charge is made, and the sources of information thereof, failing which the charge shall be held as abandoned. It is necessary that great caution be exercised in making or receiving charges affecting the moral character or orthodoxy of a minister or probationer, and those making them without due reason are liable to be dealt with in accordance with the law of the Church. (See Chap. VII.)

If it comes to the knowledge of the Presbytery that a *fama* prevails against the person called, it may be necessary to suspend procedure with the call till the *fama* has been disposed of.

Judgment against Call.

32. The Presbytery may decline to sustain the call, either on the ground of the *number* of dissents without reasons, or on the ground of the *weight* due to the reasons or objections adduced. If any such judgment of the Presbytery be neither appealed from nor complained against in due form, or if the judgment be affirmed by the superior Court, the whole proceedings as to the particular call in question fall to the ground, and a new election must take place.

Acceptance of Call by Probationer.

33. If the call be sustained at the time when it has been moderated in, and if the person called be a probationer or a qualified minister without

any fixed charge, and if he be present, the call is put into his hands, and he is asked whether he accepts it. If he be absent, it is sent to him with all convenient speed; but previously to sending it, the Presbytery may intrust it to the Session to procure additional signatures. An accepted call may also be left with the Session for additional signatures. In these cases the procedure described in par. 29 is followed, and the number of such signatures shall be reported to the Presbytery.

Additional
Signatures.

Calls to Ministers in Charges

34. If the sustained call be to the ordained minister of a congregation of another Presbytery of the Church, the induction cannot be proceeded with until a judgment has been obtained in favour of the translation, either from the Presbytery which has jurisdiction over the minister called, or from the superior Court which has jurisdiction over that Presbytery. In the case of every such call, the Presbytery, immediately after sustaining it, or immediately after being officially informed that its judgment sustaining it has been affirmed by the superior Court, commissions certain of its members to prosecute the call. The congregation calling also appoints certain persons as its commissioners. The clerk sends the call, and along with it certified copies of all needful documents and minutes, to the clerk of the Presbytery of which the minister called is a member, who shall acknowledge receipt of these documents, and intimate the time and place of the meeting of his Presbytery at which commissioners require to be present. The clerk of the latter Presbytery shall also intimate the call to the minister called and to the clerk of his Session. On the next or first suitable Sabbath he shall, either personally or by a substitute, intimate the call to the congregation and summon a congregational meeting, which

Commis-
sioners to
prosecute a
Call.

can be held after one Sabbath's intimation, to consider the matter, and to appoint commissioners to appear for the interests of the congregation at the meeting of Presbytery at which the call is to be considered; and he shall either personally or by a substitute preside at that meeting. The commissioners prosecuting the call ascertain from the clerk of their own Presbytery the time and place of the meeting at which they require to appear.

Procedure.

35. On the day and at the hour appointed, the Presbytery having met, all the parties are called. The order of procedure in the hearing of parties and in the discussion of the case by the Presbytery is in accordance with the general rules of order; it being understood that the parties prosecuting the translation hold the position as to opening the case and right of reply which belongs to appellants. (See Chap. VIII., Sect. v., page 159.)

Minister
called heard
at any stage,
etc.

36. At this meeting the minister called is first asked if he is prepared to make a statement at this stage. If he make a statement the commissioners are heard if desired. If he is not prepared at this stage to make a statement, commissioners are heard, but not more than two on behalf of each congregation; and thereafter a declaration of his mind is required. The Presbytery decides, in the first instance, whether or not the call ought to be presented to the minister. If the decision be in the affirmative, and there be no appeal or complaint, and if thereafter the minister acquiescing in the decision accept the call, the Presbytery gives formal judgment to the effect that it agrees to the translation, and appoints the minister to await in that matter the orders of the Presbytery prosecuting the call, and instructs its clerk to send an extract of the finding to that Presbytery.

Proceedings
in case of
Appeal or
Complaint.

37. If there be an appeal or complaint taken against a decision in favour of a translation, the Presbytery which has come to that decision instructs its clerk to intimate to the other Presby-

tery, through its clerk, whether or not reasons of appeal or complaint have been lodged in due time; and also to intimate to them immediately the fact of the appeal or complaint being otherwise fallen from, if this should occur at any period after reasons have been duly lodged. If reasons are duly lodged, the commissioners of the Presbytery and of the congregation are entitled to lodge answers, and to appear as parties before the superior Courts.

38. The commissioners of a Presbytery for the prosecution of a translation shall report the decision in the case, and any appeal or complaint, at the first ordinary meeting of their own Presbytery thereafter. If the decision has been in favour of the translation, and there is an appeal or a complaint, with reasons lodged in due time, no further step can be taken towards the induction until the appeal or complaint has been dismissed by the superior Court. But if it be duly certified to the Presbytery prosecuting the call that reasons of appeal or complaint have not been lodged in due time, or that the appeal or complaint has been subsequently fallen from, or that the superior Court has dismissed the appeal or complaint and affirmed the sentence in favour of the translation, then the Presbytery prosecuting the call fixes a day for the induction.

Duties of
Commiss-
ioners.

39. If the decision of the Presbytery having jurisdiction over the minister proposed to be translated be adverse to the translation, it is usual for the commissioners of the Presbytery prosecuting the call to take an appeal against the decision, leaving it to their own Presbytery to determine whether the appeal shall be prosecuted or fallen from. The commissioners in their report mention whether they have done so, and also whether any appeal was taken by the congregation calling, or any dissent and complaint taken by any member of the other Presbytery. If the meeting at which the report can be made take place within ten days from the

meeting of the other Presbytery at which the decision has been given, the commissioners usually leave it to their Presbytery to authorise them to lodge reasons of appeal or not, as the Presbytery may think fit. If there be no meeting in time for this purpose, the commissioners ought to lodge reasons, it being always in the power of the Presbytery to fall from the appeal, and to intimate to the other Presbytery that it has done so. The Presbytery comes to such judgment on the report of its commissioners as it thinks most expedient. If it resolves to prosecute that appeal, or if any appeal or complaint in connection with the case is proceeded with, no further step towards the filling up of the vacancy can be taken until a decision has been obtained from the superior Court. But if the Presbytery falls from its appeal, and if no other appeal and no complaint be prosecuted, or if the superior Court intimates that it has affirmed the adverse decision, the Presbytery must intimate to the congregation in due form the necessity of steps being taken for a new election.

Call to Minister of Charge in same Presbytery.

40. If a sustained call be to an ordained pastor of a charge within the bounds of the same Presbytery which has sustained the call, the procedure is the same in principle with that adopted in the case already detailed. In sustaining the call, the Presbytery takes care not to commit itself to the propriety of the translation. Due intimation is given to the minister called and to his congregation. Commissioners from both congregations appear at the bar of the Presbytery on the appointed day, and the Presbytery proceeds according to the preceding directions.

Call to a Professor.

41. If a call is addressed to a principal or professor in a Theological Hall of the Church, the Presbytery can proceed no further than sustaining the call; but shall then refer the case to the General Assembly. Intimation of the call and the reference shall be given to the person called, and to the Presbytery of which he is a member.

42. When a call is sustained to a minister in a charge furth of Scotland, it shall not be necessary for parties to appoint commissioners to prosecute the call. In that case the call may be duly prosecuted by forwarding it, with relative documents, to the Presbytery of which the minister called is a member.

43. The Commission of Assembly is empowered, at any of its stated diets, to take up and dispose of all references, appeals, or complaints from Synods (or Presbyteries meeting subsequent to the Synods) in matters connected with calls, translations, or settlement of ministers, which may be brought before them, and which it is found desirable in the interest of congregations concerned to dispose of without delay. In such cases the decision of the Commission is final. (See Chap. VI., Sect. IV. 4 and 6, pages 117 and 118.)

Call to a
Minister
furth of
Scotland.

Disposal of
Appeals and
Complaints.

Calls to Probationers and Ministers not in Charges

44. If the Presbytery sustains a call to a probationer, or to an ordained minister not having a fixed charge, and if there be no appeal nor complaint tendered in due form against its judgment, it proceeds to take the necessary steps with a view to his induction to the pastoral charge.

45. If the call be to a probationer, the Presby- Trials for
ter takes him on trials, and these shall include, Ordination.
at least, a lecture and a sermon. If these trials be sustained, the Presbytery fixes the day on which the ordination and induction shall take place. If the trials be not sustained, intimation is made to the congregation that the probationer called has not been found qualified, and that a new election must take place.

The judgment of the Presbytery sustaining or not sustaining the trials being subject to appeal and complaint, the action of the Presby-

tery as described above can take place only on a decision which has become final. When appeal or complaint is taken against its decision, the Presbytery ought to frame its minute so as to put the superior Court in clear and full possession of the grounds on which its judgment proceeds, and to enable a person appealing or complaining to state with distinctness his reasons of appeal or complaint. These grounds must not involve any charge of heresy, because such a charge can be dealt with only by formal inquiry or libel.

Induction of
Ordained
Minister
without
charge.

46. If the call which is sustained and accepted be to an ordained minister not having a fixed charge, no trials being required, the Presbytery shall, if there is no ecclesiastical impediment, proceed without delay to appoint the day for the induction.

Serving of
Edict.

Ordination and Induction

47. When the Presbytery fixes a day for the ordination and induction of a probationer, or for the induction of an ordained minister, it appoints an edict to be read to the congregation on the two Sabbaths immediately preceding the day fixed for the induction, which must be attested each Sabbath by the officiating minister or preacher. By the edict, public intimation is made that the day and hour named have been appointed for the ordination and induction, or for the induction, as the case may be, and that the Presbytery will proceed in due form to the settlement, if no objection to the life or doctrine of the probationer or minister be previously brought forward and substantiated. It is also intimated that the Presbytery will meet at a time and place appointed for the purpose of receiving and dealing with objections, if any. The usual practice is to hold this meeting at an hour not long before that fixed upon for the settlement.

48. At the time and place named in the edict, Objections the Presbytery, having been constituted, calls at last stage. for 'the return of the edict,' with attestation that it has been duly served. It then causes intimation to be made to the assembled congregation that the Presbytery is met to receive and deal with objections. Any objections at this last stage must be substantiated immediately to the satisfaction of the Presbytery, and substantiated objections arrest procedure. When no objections are given in, or when they cannot be substantiated *instanter*, it is the duty of the Presbytery to proceed with the ordination and induction, or with the induction alone, according to appointment.

49. The Presbytery then repairs to the place of worship, where the minister appointed conducts devotional exercises and preaches a discourse suitable to the occasion. The moderator then briefly narrates the steps that have been taken in order to the settlement, and puts to the minister-elect the prescribed Questions. These having been satisfactorily answered, and the Formula having been signed, the minister-elect kneels, and the moderator by prayer, with the imposition of hands in which all the ministers present join, ordains him to the office of the Holy Ministry, and inducts him to the pastoral charge of the congregation. Prayer being ended, the moderator, addressing the minister-elect, says, 'In the name of the Lord Jesus Christ, the King and Head of the Church, we do hereby declare you to be ordained to the office of the Holy Ministry, and induct you to the pastoral charge of this congregation, and we commend you to the grace of God in the discharge of all your duties as a minister of the gospel.' The moderator and other members of Presbytery present give to him the right hand of fellowship. Suitable exhortations are then addressed to him and afterwards to his people. The congregation is then dismissed, and as they retire the members have an opportunity of welcoming him as their

Proceedings
at Ordina-
tion.

minister. His name is then added to the roll of the Presbytery ; the Session is constituted, and he is introduced and takes his seat as its moderator. Where the stipend is paid in advance by the congregation it is the duty of the treasurer to make provision that the first payment be made at the close of the ordination or induction service ; and the Presbytery should see that this is done. Certified intimation of the ordination and induction is sent to the session-clerk to be engrossed in the minutes of the first meeting of Session thereafter.

Induction Service.

50. When one who has been already ordained to the ministry is to be inducted to the pastoral charge of a congregation, the act of ordination is not repeated, and the words 'declare you to be ordained to the office of the Holy Ministry, and' in the declaration are omitted. In other respects the procedure is the same as that in an ordination.

Intimation to other Presbyteries.

51. It is the duty of a Presbytery, after inducting to a charge within its bounds the minister of a charge under the jurisdiction of another Presbytery, either of this Church or of any other from which he has been duly translated, to give immediate intimation through its clerk to that Presbytery that the induction has taken place.

Ordination to Colonies, Missions, etc.

52. Ordination which has no reference to a particular pastoral charge, or to some position or function held to be equivalent to that of a particular pastoral charge, though competent is unusual, and should be conferred only when expressly authorised by the General Assembly. But a Presbytery in Scotland may ordain a probationer who has been appointed to a pastoral charge in the Colonies, when there is no local Presbytery having jurisdiction over that charge ; and missionaries to foreign parts are usually ordained before they proceed to their spheres of labour. In these cases Presbyteries may, if they consider it necessary, inquire and satisfy themselves with respect to the nature of the

appointment, the position of the parties making it, the sphere of action proposed to be entered on, and the provision arranged or in prospect for the due support of the minister or missionary after he has entered on it. If they are satisfied regarding these points, it is competent for them to proceed. So far as trials and the act of ordination are concerned, they must take the same steps as in ordinary cases. The serving of an edict is dispensed with. But public notice of the Presbytery's intention is to be given, that there may be sufficient opportunity to bring forward and substantiate any objection to the life or doctrine of the person proposed to be ordained.

53. An ordained minister who has been appointed a professor of theology is inducted to his office by the Presbytery of the bounds in accordance with the instructions of the General Assembly. A probationer who has been appointed a professor is ordained and inducted.

Induction of Professors.

Colleagues and Successors

54. It lies with the Presbytery within whose jurisdiction a pastoral charge is situated, to receive, in the first instance, an application for the appointment of a colleague and successor to the pastor of that charge. Such an application may be based either upon the partial inability of the pastor to discharge his functions through age or infirmity or both; or upon special considerations connected with the character and circumstances of the charge. It is initiated by means of minutes of Session and congregational meetings, together with a minute of the deacons' court, where there is a deacons' court. Adequate information must accompany the application with respect to the alleged grounds for it. For example, if the ground be the state of the minister's health and strength, sufficient medical testimony should be produced. If, in order to carry out the contemplated appoint-

Applications for
Colleagues
and Suc-
cessors, etc.

ment, assistance be asked from the Aged and Infirm Ministers' Fund, this request, and the grounds of it, must be brought before the Presbytery along with the application. When all the materials for judgment have been fully set before the Presbytery and parties have been heard, the Presbytery is called upon to give a deliverance with respect to the application, viewed in connection with the pecuniary and other proposed arrangements. For further procedure in the case see Division III. 4, page 94.

Apportion-
ment of
Duties.

55. In the absence of any arrangement to the contrary sanctioned by the Presbytery or a superior Court, the senior pastor is entitled to retain an equal share of the work with his colleague, and to alternate with him in the exercise of every function belonging to the office of pastor. When an arrangement regulating the duties of the colleagues has been sanctioned, it must be intimated to the person elected as colleague and successor before he accepts the call, and is binding upon him. The matter is often harmoniously and happily arranged between the colleagues personally, without any more formal adjustment. But if leave have simply been granted to the congregation to call a colleague and successor to its pastor, the latter retains the right to his seat in the Church Courts, and to every other privilege of his office which he has not consented to relinquish. It is understood that the junior colleague is prepared to undertake the whole pastoral and pulpit duty, or any portion of it, when the age or infirmity of the senior colleague requires it.

56. All cases of applications for colleagues and successors from congregations on the Sustentation Fund, and from congregations receiving aid from the Augmentation Fund, must be brought under the view of the Sustentation and Augmentation Committee, in the same manner as if they were cases of vacancies.

57. In all other respects the course of procedure by a Presbytery with reference to the

ordination and induction, or the induction alone, of a colleague and successor, is the same as that already detailed in the case of a vacant charge.

Ministers Emeriti

58. A minister who wishes to resign his pastoral charge on the ground of ill-health, old age, or other circumstances not affecting his ministerial character, tenders his resignation to the Presbytery under whose jurisdiction he is. The Presbytery, either when alone, or through a committee, confers with him as to the reasons of the proposed resignation. Due notice must be given to the congregation that it may be heard for its interest. If the Presbytery finds the alleged reasons unsatisfactory, or if any circumstances or *fama* be made known to it which require investigation, it cannot accept the resignation until it be ascertained that there is no ground for bringing their brother under the censures of the Church. But if nothing objectionable appear with respect to his procedure, and he continues to be persuaded that it is his duty to follow out his intention, the Presbytery may accept his resignation, and take immediate steps for declaring the pastoral charge of his congregation *vacant*.

59. Ministers who have thus retired from their charges are accounted *emeriti*. They are not members of Presbytery unless expressly allowed to be so by a specific deliverance of the General Assembly; but they retain their *status*, and may be employed in any work belonging to that *status* which they are capable of performing. Ministers *emeriti*, who are not continued as members of Presbytery, are eligible as ruling elders in the congregation to which they attach themselves as communicants.¹

¹ See Act IV. of Class II., 1905, p. 173; and Act VII. of Class II., 1907, p. 178.

Resignations of
Ministers.

Ministers
Emeriti.

Ordained Preachers.

60. To meet the spiritual necessities of places where the Church is not prepared to erect or continue a sanctioned charge, but where it is desirable to provide for the administration of sealing ordinances to the members of the Church, the following scheme for the employment of 'Ordained Preachers' has been adopted :—

(1) A proposal to place a congregation under the charge of an ordained preacher may originate with the Home Mission or the Highland Committee, or, in the case of a charge previously sanctioned, with the Sustentation Fund Committee ; or it may originate with the congregation itself, or with the Presbytery, and be arranged with the committee concerned.

(2) If all parties concur in the proposed arrangement, a probationer, chosen by the congregation, is ordained as an ordained preacher in the service of the committee which has to do with the case, and appointed to the charge of the congregation for a limited term, not exceeding three years, and he shall not be re-appointed for any further term of service in the same place unless at the express desire of the people, and when the committee and the Presbytery are satisfied that for special reasons a change of agent is undesirable.

(3) In all stations served by such ordained preachers the Presbytery shall continue to appoint a moderator of Session, but shall have the power to appoint such ordained preacher as an assessor to the Session during his service in such station. Such ordained preacher may be authorised to act for the moderator in his absence, and to administer ordinances at the request of the Session ; and he shall be eligible for election as a representative elder to the Presbytery so long as he is employed within its bounds.

(4) In the Lowland Presbyteries the financial arrangements for such ordained preachers shall be made jointly by the Home Mission and the

Sustentation and Augmentation Fund Committees ; and in the Highland Presbyteries by the Sustentation and Augmentation Fund and the Highlands and Islands Committees.

(5) The General Interests Committee is empowered as often as vacancies occur, where it appears that the foregoing plan may be suitably put into operation, to communicate with the Presbytery and committees concerned, with a view to placing the congregation under the provisions of the scheme.

61. A special salary shall be provided for such Salary. ordained preachers :—

(1) In the case of congregations on the platform, or under the Acts of 1875 or 1877, by the Sustentation and Augmentation Fund Committee, Church Extension charges receiving back only what they contribute ;

(2) And in the case of congregations in the position of stations by the Home Mission or the Highlands and Islands Committee.¹

62. The Church also in special circumstances Catechists. recognises the appointment of readers or catechists. The persons selected for this purpose are, for the most part, elders, students of theology, or teachers, who have been approved by the Presbyteries within whose bounds they reside. Their spheres of labour and duties shall be fixed by the General Assembly, or by the Home Mission Committee or the Highlands and Islands Committee, with the concurrence of Presbyteries. In this work they shall be associated with, or superintended by, particular ministers appointed for the purpose.

Formation of Preaching Stations and Charges

63. A preaching station for the regular worship of God may be formed under the superintendence of a Presbytery without being con-

Formation
and
Agencies.

¹ See Act VII. of Class II., 1908, p. 177.

stituted as a pastoral charge. This may be done either on petition of residents in the district or at the instance of the Presbytery itself. When the proposal is originated by petition of residents in the district, those petitioners who are members of the Church are required to append to their signatures the names of the congregations of which they are members ; but they are not required to disjoin themselves from these congregations till the prayer of the petition is granted. Such stations are usually supplied by probationers. In some, especially in the Highlands, catechists are employed. When aid is received from the funds under the charge of the Home Mission Committee, or of the Committee on the Highlands and Islands, the station must be conducted under the direction of such committee, but so as not to interfere with the constitutional jurisdiction of the Presbytery.

Sessions in
Preaching
Stations.

64. Preaching stations are established under the authority of the Presbytery of the bounds ; and it belongs to the Presbytery to arrange in regard to the appointment of elders and the establishment of Sessions in them, a minister of the Presbytery being appointed the moderator of every such Session.

When the Presbytery deems it expedient, such Sessions may consist of elders in fully constituted congregations of the Presbytery. In this case the Session cannot send a representative to the Presbytery and Synod. Where the station has not congregational status this course must be followed.

Where a station has congregational status, to the extent that an arrangement has been sanctioned for the regular dispensation of the Sacraments, and that it has its own communion roll, the Presbytery may, if it think proper, authorise the appointment in that station of a Session, the elders of which may be elected from among the membership on the roll, and are ordained and admitted as elders of the station.

In this case the Session is entitled to send a representative to the Presbytery and Synod of the bounds, but this shall not affect the representation of the Presbytery in the General Assembly. The members of such Sessions are eligible to be appointed representative elders to the General Assembly, but their certificates of being *bona fide* acting elders must be given by authority of the Presbytery.

The Presbytery also arranges for the appointment of a presbyterial or local committee to take charge of the financial affairs of such preaching stations.

65. When a petition or a proposal is before a Presbytery to form a congregation, or to open a station with a view to the erection of a congregation, notice must be given to the neighbouring Sessions of the Presbytery, that they may be heard for their interests.

66. Where no Session has been formed in connection with a station, sealing ordinances can be dispensed in it only by appointment of the Presbytery, unless the station has been placed under the jurisdiction of a neighbouring Session. When the Presbytery authorises the dispensation of sealing ordinances it appoints a minister for this purpose.

67. When a Presbytery considers it desirable to form a fully sanctioned charge, it forwards a statement of its opinion to that effect, together with all documents in the case, to the Synod, which alone has the power of sanctioning a new charge. In the case of congregations which it is proposed shall be on the Sustentation Fund or shall receive aid from the Augmentation Fund a report must be obtained from the Sustentation and Augmentation Funds Committee, and from any other committee from which aid is sought, and must be included in the documents submitted to the Synod. The financial statement to be included in these documents shall exhibit the proposed ministerial income from all sources.

Notice to
neighbour-
ing Sessions.

Sealing Or-
dinances in
Stations.

Forma-
tion of
Sanctioned
Charge.

Dissolving a Congregation, or Reducing it to the Status of a Station

Action by Presbytery.

68. When a Presbytery finds, after full inquiry, that from depopulation of the district where a sanctioned charge is situated, or from any other cause, it is not advisable to maintain it as a pastoral charge, the Presbytery shall consider whether it should be continued as a station or should be discontinued or otherwise dealt with, and shall report its opinion thereon to the Synod. A copy of such report and relative documents shall be supplied to the Session of the congregation reported on, that it may take all competent steps to be duly represented at the Synod when the Presbytery's report is heard. The Synod, after hearing parties, shall decide, subject to appeal to the General Assembly, whether the congregation should or should not be continued as a fully sanctioned charge, and in the event of its deciding to discontinue it, shall satisfy itself that suitable provision is made for the supply of religious ordinances to the members of the Church in the district.

Action by Congregation.

69. Should the question be raised in a congregation as to its continuance or otherwise, the only competent procedure is to report the matter forthwith to the Presbytery through the Session. The Presbytery shall without delay inquire into the whole circumstances of the congregation, meeting with the minister, the office-bearers, and the congregation. It shall formulate its opinion on the case, and report the case along with its opinion thereon to the Synod.

Other Powers and Functions

Building a New Place of Worship.

70. When it is proposed to build a new place of worship with a view to church extension, or to rebuild a place of worship, whether on its present or on a new site, the Presbytery is to be consulted before the site of the proposed church is finally fixed upon. Plans and an

estimate of the probable cost of every new place of worship are also submitted to the Presbytery, together with a statement of the provision made for defraying the cost, or of the means by which it is expected that the liabilities incurred will be met ; and the Presbytery shall not give its sanction to the commencement of building operations until it is satisfied as to the prospect of the obligations undertaken being met.

71. If a congregation connected with another Church petitions for admission as a congregation already constituted, the Presbytery appoints a committee to meet with the congregation ; to make full inquiries into its position ; to see that its proceedings in reference to the petition have been regular and that it has full freedom to seek admission ; and that it approves of the constitution and distinctive principles of this Church. A certified copy of the roll of membership must be laid on the table along with the petition.

Admission
of a Con-
gregation
from an-
other
Church.

72. If the Presbytery is satisfied with the report of the committee on these points, the procedure detailed in rule 67 is then followed. If the Synod sanctions the admission of the congregation, the Presbytery meets with the congregation, and, after public worship, declares it to be a congregation of the United Free Church, and the elders of its Session who satisfactorily answer the prescribed Questions and sign the Formula to be the Session of the congregation. Where there are no elders the Presbytery appoints a provisional Session.

73. If a minister of another Church petitions for admission along with his congregation, and as its minister, the Presbytery regulates its procedure in regard to the minister by the rules for admission of ministers and preachers. It appoints a committee to meet with him and obtain information as to all the circumstances which have led to the petition, and to meet with the congregation for the purpose stated in rule 71. After hearing the report of the committee, the

Admission
of a Con-
gregation
with the
Minister.

Presbytery, in view of all the circumstances of the case, decides whether it will recommend the Assembly to grant the petition. If the petition is granted by the Assembly, the Presbytery admits the minister and congregation according to the procedure described in the latter part of par. 72. For the rule as to admission of a minister or probationer of another Church see Division III. 3, page 93.

Special Services and Collections.

74. The Presbytery has the power of appointing special diets of worship, and special fast-days and days of thanksgiving. It can also appoint special collections for particular objects to be made in all the congregations under its jurisdiction. This power, however, requires to be exercised with great discretion.

No interference with another Presbytery.

75. A Presbytery cannot interfere with or review the procedure of another Presbytery. It may make a remonstrance thereant, and endeavour by frank and friendly representation to have the matter put right. Where this is ineffectual the Presbytery which feels aggrieved can bring the matter by petition for redress before the Synod of the bounds, when both Presbyteries belong to the same Synod. When they belong to different Synods the petition must be addressed to the General Assembly.

76. Presbyteries have, subject always to the laws of the Church, a duty of supervision in all matters affecting the spiritual welfare of the Church and of its members within their respective bounds, and may give counsel and admonition, and emit public declarations of opinion on such matters, as they may see cause. In doing so they must be careful of the rights of Sessions and of individual members of the Church.

The Colleges of the Church are under the supervision of the College Committee. For procedure in cases of discipline as regards professors see Chap. VII., Sect. v., page 143.

DIVISION II. DEPARTMENT OF REVIEW

1. The Presbytery's right of review extends Right of Review.
not only to decisions and resolutions of con-
gregational meetings, and the disposal of matters
brought before it by reference, protest and
appeal, or dissent and complaint, but also to
various other matters. As to the right of review
of decisions of congregational meetings see
Chap. III., Sect. II. 7 and 14, pages 40 and 42;
and as to references, protests and appeals, and
dissents and complaints, see Chap. VIII.

2. The Presbytery exercises the right of re- Records
view through the periodical examination of the to be
records of Sessions, deacons' courts, and con- examined.
gregational boards. These records and also, in congregations whose property is held under the Model Trust Deed of the Free Church, the communion roll, or a certified copy thereof, revised by the Session, and signed by the moderator and clerk, or keeper of the roll, shall be annually sent to the Presbytery for attestation. It is the duty of the Presbytery to give instructions to the Sessions, deacons' courts, and congregational boards with a view to compliance with these requirements. The Presbytery examines by itself or by a committee or committees the records and rolls that have been sent in. After such examination the Presbytery comes to a finding regarding them.¹

(1) It attests the communion roll with any Roll
suggestions thereanent, or deals with it other- attested.
wise as may appear to it to be called for.

(2) It pronounces a judgment as to the correctness and accuracy with which each record is kept, and points out deficiencies or mistakes of a less important character in order that they may be avoided in future; and it may instruct Sessions or deacons' courts as to any improvement which ought to be adopted in their modes of conducting business. Correctness
and accuracy of
Records.

(3) It may for sufficient reason review and

¹ See Act I. of Class II., 1908, p. 176.

Review of
Deliver-
ances.

recall any deliverance of a Session appearing on the record. If it be too late for a simple reversal to redress an injustice, the Presbytery may give instructions to the Session for affording such redress as the laws of the Church still render practicable. The Presbytery may also order passages of the Session record to be deleted. The deletion may be carried out either by the Session, or by the Presbytery clerk under the orders of the Presbytery. The mode of deletion is either by obliterating the words to be deleted so as to render them illegible, and noting on the margin the number of words so deleted, with an attestation by the person deleting ; or by cutting leaves out of the record, the number of leaves cut out being formally noted in the record ; or it may be partly in the one way, partly in the other. The minute of Presbytery ordering the deletion must be inserted in the record. Before pronouncing any judgment with respect to any deliverance of a Session, or by ordering the minutes of a Session to be altered, the Presbytery must summon the Session to its bar and hear them as parties.

Deacons'
Court.

(4) The Presbytery may find that certain procedure of a deacons' court or congregational board has been *ultra vires*, or contrary to Acts of Assembly, and may declare it to be null and void, or order the minutes to be altered. Before doing so, it must summon the deacons' court or congregational board to the bar, and hear them as parties. The Presbytery has no power of judgment with respect to those details of practical procedure in the deacons' court or congregational board which are within the province of that court or board, and consistent with the Acts of Assembly.)

Matters
neglected.

(5) If it appear to the Presbytery that a Session has failed to deal with a matter that calls for inquiry, the Presbytery may instruct the Session to proceed in the matter according to the laws of the Church ; and may, where it seems desirable, appoint assessors to assist the Session.

3. The Presbytery has the right at any time for special cause to require the production of the record of the managers' proceedings, in congregations whose temporal affairs are under the care of a committee of management ; it has also the right to take action in regard to any matters subject to the cognisance of the Church Courts which may arise upon such record.

Presbyterial Visitation of Congregations

4. In the exercise of their duty of oversight Presbyteries may arrange at any time for the visitation of the various congregations within their bounds, but it is required that they shall, at least every five years, visit them in rotation.

The object of presbyterial visitation is to strengthen the hands of the ministers, elders, deacons, and managers, and to give such counsel and encouragement as may be suitable, as well as to satisfy the Presbytery that the congregations under its charge are in a satisfactory state.

The following are the regulations for presbyterial visitation and more effectual oversight of congregations :—

(1) Once at least in five years Presbyteries shall examine into the state of every congregation within their bounds by visitation, either by the Presbytery as a whole, or by a committee of it appointed for that purpose.

(2) Presbyteries shall frame their own questions and mode of procedure, but in any case they shall have a special regard to the work of the minister, elders, deacons, and managers, and the spiritual state of the congregation ; and shall use their discretion in inquiry regarding such matters as are included in the ordinary annual schedules.

(3) Presbyteries shall record their judgment on the visitation, with such remarks as they may deem called for. They shall consider the whole state of matters, and thereupon declare whether, all things considered, they can express satisfac-

Records of
Managers.

Presbyterial
Visitation of
Congrega-
tions.

Quinquen-
nial.

Mode of
Procedure.

Judgment.

tion with the state of the congregation. A copy of the deliverance or of the report which a visitation committee proposes to submit to the Presbytery shall be sent to the Session.

Reports to
Synods.

(4) The result of each year's visitation shall be reported to a committee of Synod. Every Synod shall name a standing committee, which shall summarise the results of Presbyterial visitations, and report thereon to the Synod. Synods and Presbyteries are required so to arrange that the complete reports shall at latest be ready for the spring meeting of Synod.

Presbytery
dissatisfied.

(5) In the event of a Presbytery finding itself unable to declare satisfaction with the state of a particular congregation, it may, if it think fit, withhold its report in that case, signifying that it will report thereon after renewed examination in the next year. But, if still unsatisfied in the next year, it must report its judgment thereon to the Synod.

Proceedings
in Synod.

(6) The Synod at a private diet, at as early a date as practicable after receiving the Presbytery's report, shall take up cases reported as unsatisfactory, and may also consider whether other cases, not reported in that class, require the interposition of the Synod. In both classes of cases it shall direct the Presbytery to take such competent steps as it judges best fitted to remove the evils complained of; or it may send down a committee of visitation of its own, with such directions as it may think fit.

Faults of
Office-
bearers.

(7) When a Presbytery finds the unsatisfactory state of a congregation to be due largely to faults on the part of the office-bearers, or the people, or any of them, it shall with all fidelity and affection deal with them as the justice of the case and the interests of the congregation may require.

Rights of
Members
and of Pres-
byteries.

(8) Nothing in these regulations shall prejudice the right of members of congregations to bring any grievances to the Presbytery by petition at any time; or the right of Presbyteries to make a special presbyterial visitation

of a congregation at any time, to call Sessions before them, examine minutes, inquire as to arrears of stipend or deal with any matter affecting the welfare of the congregation; or the right of a Synod, on the ground of information in its own possession, to take the initiative in directing and enforcing the proper presbyterial action.

(9) Synods shall report yearly their diligence in visitation, and transmit a summary of the information they have received, to the General Assembly.

Reports
to the
Assembly.

Congregations in an Unsatisfactory State

5. When there is reason to fear that a congregation is in an unsatisfactory state, and that its vital interests are endangered, the case may be brought before the Presbytery for its consideration, either at the instance of the Presbytery itself, or by the minister, or by petition from elders or members of the congregation in full communion duly transmitted through the Session. In such cases the procedure is as follows:—

Cases
brought to
Presbytery.

(1) When a Presbytery, as the result of any competent procedure on its part, has found the state of a congregation to be seriously unsatisfactory, and, after due pains in the use of counsel and admonition, has failed to remedy this state of things, it shall record in its minutes a statement of the facts brought under its notice, of the steps taken by the Presbytery, and of the results. And if it is further of opinion that there are *prima facie* grounds for thinking that the failure may be due wholly or partly to defects or errors personal to the minister, it shall embody the said grounds in its statement; and a certified copy of that statement shall be furnished to the minister concerned, with notice of the time when it is to be further considered.

Record of
Cases.

(2) At a subsequent meeting the Presbytery shall hear any statement the minister may make,

Procedure.

receiving and recording any relevant matter which he may tender to be recorded on his behalf. It shall also be competent to receive and record verbal or written statements by persons in the communion of the United Free Church, who are or have been members of the congregation, bearing on the question how far the existing state of things is to be traced to the minister. If, finally, the Presbytery is constrained to conclude that the ends of the ministry are not being served, and that this state of things is likely to continue, and, further, that the state of the congregation is due to defects or errors personal to the minister, it shall record its judgment upon both heads, with any additional statement of the grounds of it which it shall find to be just and necessary.

Dissolving
Pastoral
Tie.

(3) Thereupon the Presbytery may exercise the power of dissolving the pastoral tie and declaring the charge vacant. In all cases in which the pastoral tie is dissolved in this manner the Presbytery shall report specially to the Assembly all the circumstances known to it which ought to be in view of the Church in dealing with the question of a retiring allowance for the minister.

Appeal or
Complaint.

(4) The procedure and final judgment of the Presbytery are subject to appeal and complaint in ordinary form to the superior Courts; but when the Presbytery has taken the steps authorised in rule (1), it shall proceed in face of all appeals until it has disposed of all questions arising out of rule (2).

Failure due
to Office-
bearers or
Members.

(5) When a Presbytery, having reached the stage of drawing up the statement prescribed in rule (1), is of opinion that *prima facie* grounds exist for thinking the unsatisfactory state of things to be due wholly or partly to the fault of any office-bearers or members of the congregation, it shall furnish certified copies of its statement of such grounds to all parties concerned, and cite them to the meeting of Presbytery at which the case is to be further considered. It

shall proceed in the same manner as in the case of a minister.

(6) If the Presbytery find thereafter that the unsatisfactory state of things is due wholly or partly to the fault of any office-bearers or members, it may in such case remove from office, or order disjunction certificates to be given, or suspend from Church membership, as the justice of the case and the interests of the congregation may require. The provisions of rule (4) regarding complaints and appeals shall apply also to cases arising under this and the preceding rule.

(7) No case shall be dealt with under these rules which involves the moral character, or doctrinal views of any minister, office-bearer, or member of the Church.

Cases of
Discipline
excluded.

DIVISION III. DEPARTMENT OF SPECIAL RELATIONS TO THE SUPERIOR COURTS

1. A Presbytery can make no change on its designation or bounds without leave of the Name, etc. General Assembly. With a view to holding any meeting during the sittings of the Provincial Synod to which it belongs, or during the sittings of the General Assembly, a Presbytery must obtain the leave of the Synod or the Assembly to do so.

2. The Presbytery is responsible to the Synod for the correctness and accuracy of the permanent record of its proceedings. The minutobook must be submitted to the Synod when called for, which should be at least once a year. And it is competent for the Synod, on examination of the Presbytery records, to take notice of any irregularity, omission, or error, not only in the language or form but also in the substance of the minutes, and to exercise their powers of review thereanent.

3. A minister or probationer of another Church, who desires to be admitted as a minister or probationer of this Church, must apply, in the first instance, to the Presbytery within whose

Responsi-
bility to
Synod as to
Record.

Application
of Ministers
of other
Denomi-
nations.

bounds he has taken up his residence. The Presbytery has no power to admit him, but must fill up answers to certain questions regarding the applicant, and transmit its answers and his petition to the General Assembly. This does not apply to ministers of another Church qualified to be elected and called to charges in this Church (see Division I. 7, page 59), who have been duly called to such charges; nor to ministers without charges nor probationers of the Presbyterian Church of England.¹

Colleagues and Successors : In former Free Church Congregations.

4. In the case of former Free Church congregations a Presbytery, when it has decided that a congregation should be allowed to call a colleague and successor to its pastor, is required to forward a certified extract minute of its procedure in the case and its deliverance on the application to the clerks of Assembly not later than the last Wednesday of February, in order that it may be laid before the Commission of Assembly at its meeting in March with a view to its transmission to the next General Assembly. It is the duty of the Presbytery to instruct its clerk to this effect. All relative documents must be transmitted along with the minute.

In former United Presbyterian Congregations.

In the case of former United Presbyterian congregations the Presbytery itself has the power to grant the application. But in these cases, when aid is required from central funds, care must be taken that the provisions of pars. 13 and 56, Division I., pages 61 and 78, as to communication with the committees in charge of these funds be fully complied with. Presbyteries are required to report to the General Assembly all cases which they sanction and the pecuniary arrangements in each case.

In New Congregations.

In the case of congregations formed or admitted subsequent to the Union, if the minister retiring is to draw an allowance from the Aged and Infirm Ministers' Fund of the Free Church, his application must be made through the Commission to the General Assembly as above; if

¹ See Act II. of Class II., 1904.

from the Aged and Infirm Ministers' Fund of the United Presbyterian Church, the application is made to the Presbytery. This arrangement is to be regarded as provisional.

The right of appeal to the General Assembly is reserved in cases in which the committee or committees concerned do not acquiesce in the judgment of the Presbytery. Right of Appeal.

5. The regulations as to a Presbytery's procedure with relation to the appointment of a colleague and successor apply also to any case in which pecuniary aid is sought to enable a congregation to provide a minister with an assistant. In particular, the preparation and transmission of an application to the Assembly are required in the case of former Free Church congregations in the same way as in an application for a colleague and successor. Aid for Assistants.

6. Meantime applications to be placed on the Aged and Infirm Ministers' Fund from ministers of former United Presbyterian congregations are transmitted by the Presbytery to the Committee in charge of the fund, which decides upon them, subject to appeal to the General Assembly. The Committee reports to the Assembly the grants which it has made during the year. Aged and Infirm Ministers' Fund.

In all other cases applications for grants from that fund must be submitted to the General Assembly, and must be forwarded by Presbyteries to the clerks of Assembly not later than the last Wednesday of February, in order to their being laid before the Commission at its meeting in March.

7. The minute of Presbytery recording its opinion in favour of an application for the sanctioning of a new pastoral charge within its bounds, or recommending the dissolving of a congregation or the reducing of it to a station, must be transmitted to the clerk of the Synod not later than ten days before the meeting of Synod. It must embrace a full statement of the case, as presented by documents before the Presbytery, and as known to the members Sanctioning of Charges.

through presbyterial superintendence or personal acquaintance. The documents upon which the statement and opinion are founded must also be transmitted at the same time.

Student
Missionary.

8. When application is made to the Home Mission Committee on behalf of a station for aid, or by a congregation for aid towards the support of a missionary assistant or student missionary, the application must be forwarded through the Presbytery, which shall also report to the Committee its judgment thereanent.

Collections
appointed
by As-
sembly.

9. It is the duty of Presbyteries to observe carefully the instructions of the General Assembly respecting the various collections appointed and operations instituted by the Assembly, and carried out by means of its committees or otherwise, for the welfare of the Church and the furtherance of the Gospel at home and abroad.

Transfer-
ence of
Buildings,
etc.

10. The consent of the Presbytery is required for the sale or transference of churches or manses, or other buildings which, by their title-deeds, have become the property of the United Free Church of Scotland. The minute recording consent must, along with the application of the local parties, be forwarded to the General Assembly, which alone has power to sanction the sale or transference.¹

Approval,
etc., of
Overtures
transmitted
by Assem-
bly accord-
ing to
Barrier Act.

11. It is the right and duty of every Presbytery to take its part in the legislation of the Church, by approving or disapproving of overtures transmitted by the General Assembly, with a view to such overtures being passed into standing laws, in terms of Act IX., Assembly 1697, commonly known as the Barrier Act.

Sessions
to be con-
sulted.

Presbyteries are instructed, in dealing with overtures under the Barrier Act, to give Sessions within their bounds an opportunity of reporting their opinions upon them, which shall be tabulated by the Presbytery clerks and transmitted to the Assembly.

The Presbytery shall previously fix a day for

¹ See Act XI. of Class II., 1912.

the consideration of such overture. If it be thought desirable, a committee may in the first instance be appointed to consider the overture, and to report.

Presbyteries must either approve or disapprove of the overture. A qualified approval, or a proposed amendment, is held equivalent to rejection. Any suggestions in view of a possible reconsideration of the subject of an overture by the General Assembly must be kept entirely distinct from the approval or disapproval of the overture. A form to be used by Presbytery clerks in making returns is sent out by the clerks of Assembly, and all such returns must be transmitted to the clerks of Assembly not later than the first day of May in each year. (See Chap. VIII., Sect. II. 5-7, page 153.)

12. The members of the General Assembly are annually elected by the Presbyteries of the Church. Each Presbytery elects a definite number of ministers and elders as fixed by Act of Assembly to be its commissioners to the ensuing Assembly—the number of elders being equal to the number of ministers, and the number of each being as nearly as may be one-third of the number of pastoral charges and professorial chairs.

Election of
Representatives to
Assembly.

(1) The clerks of Assembly intimate to all Presbyteries concerned any changes in the number of representatives to be elected by them.

(2) If a Presbytery be dissatisfied with any intimation made to it by the clerks of Assembly as to its proportion of representation, it may appeal to the Assembly itself against the intimation.

(3) The election must take place at an ordinary meeting between the hours of eleven A.M. and eight P.M., at least forty days before the meeting of the Assembly, and not earlier than a calendar month before the first of these forty days. An exception is allowed in favour of Presbyteries in the Northern and Western Islands, which may elect their commissioners on any day before the first day of May, a resolution to elect having

been adopted and minuted not less than fifteen days before.

(4) Every Presbytery must, at least ten days before electing its commissioners to the General Assembly, appoint and minute a day and place for the election. The meeting for election must be held at the usual place or one of the usual places of meeting.

(5) On the day appointed, and within the specified hours, the Presbytery proceeds to elect its commissioners. The law of the Church recognises nothing but free election; and the Presbytery may follow any practice it chooses in making its election, but it cannot adopt a binding rule on the subject. No person can be elected as a minister or professor who is not, in that capacity, a constituent member of Presbytery. But any ruling elder is eligible, whether a member of a Session within the bounds of the Presbytery or not, of whom it can be certified *bona fide* that he is an acting elder in a congregation of the United Free Church. Under this rule no person who is a ministerial member of any Presbytery can be elected as a representative elder to the Assembly. In the election of elders as commissioners, respect should be had to the interests of the several Sessions within the bounds.

(6) Any minister or ruling elder who has been elected a commissioner by a Presbytery to the General Assembly may intimate, at a subsequent meeting, his resignation of his commission. In the event of such intimation, or in the event of the death of a previously elected commissioner, the Presbytery may elect another in his room at any subsequent period prior to the meeting of Assembly, provided this be done between the hours of eleven A.M. and eight P.M. No election is valid which is made after the Assembly has met.

(7) Printed forms of commission are furnished by the clerks of Assembly to the clerks of Presbyteries. They contain, *inter alia*, a form of attestation which embraces the qualifications of

the elected commissioners. This, as well as every other part of the form, must be carefully and exactly filled up, and read over in the presence of the Presbytery. The minutes of Presbytery must be so drawn up as to correspond to the form.

(8) The commission to a Presbytery's representatives, attested by the signatures of the moderator and the clerk, ought to be sent to the clerks of Assembly at least one week before the day appointed for the meeting of Assembly.

Certificates that they are *bona fide* acting elders in favour of all elders who are appointed as commissioners must be in the hands of the clerks of Assembly before such commissioners can take their seats.

CHAPTER V

THE PROVINCIAL SYNOD

SECTION I. CONSTITUTION AND OFFICIALS

How formed.

Member-ship.

Elder's Commis-sion.

1. The General Assembly fixes the name and the constituent Presbyteries of each Provincial Synod.

2. A Provincial Synod consists of (1) all persons, both ministers and representative elders, who are on the rolls of the several Presbyteries within the province (see Chap. IV., Sect. 1. 2, page 43); and (2) of such corresponding members, both ministers and elders, as may have been appointed and commissioned by neighbouring Synods. A Provincial Synod may associate with itself in its deliberations, *pro tempore*, any ordained minister who is present, but he cannot vote upon any question before the Court. Ministers and elders from other Synods may be added to the Synod by the General Assembly as assessors for special purposes. With reference to these purposes they have the rights of members during their appointment.

3. The commission from a Kirk Session which constitutes a ruling elder a member of Presbytery, constitutes him also a member of Synod during the period for which that commission is valid. He cannot be allowed to take his seat in the Synod unless his name appear in the roll of his Presbytery, as certified to the Synod by the clerk of Presbytery, or on production of a commission in proper form. The form of commission must bear that he is elected to represent the Session in the Synod as well as in the Presbytery.

4. Corresponding members may be commissioned by Provincial Synods to attend the meetings of neighbouring Synods. The Assembly has left it to each Synod to determine for itself whether or not it will make such appointments. Corresponding members have an equal right of speaking and voting with other members. Before being allowed to take his seat each of them must produce a commission in regular form.

5. Commissions to ruling elders, or to corresponding members, may be received at any meeting of Synod, whether it be ordinary, adjourned, *in hunc effectum, or pro re nata.*

6. The Synod is presided over by a moderator, who is elected at each ordinary meeting immediately after the Synod is constituted and the roll adjusted. Any minister who is a member of the Synod may be elected to the office. He holds office till his successor is appointed at next ordinary meeting. His powers and duties are the same as those of the moderator of a Presbytery.

7. Each Provincial Synod appoints one or more clerks. A clerk may be appointed *ad vitam aut culpam*; or for a specified time; or during the pleasure of the Court. When it is not otherwise recorded, the appointment is during the pleasure of the Court. On his appointment he solemnly promises to discharge the duties of the office with fidelity. It is his duty to write regular minutes of the Synod's proceedings, to submit them to the Synod for its approval, and to engross them in a permanent record; to give such extracts to parties as the Synod has allowed; and to take charge of all the Synod's papers, books, and documents. In the absence of the clerk some one is appointed by the Synod to act as clerk *pro tempore*, whose appointment should be minuted, and the minute of the meeting should be signed by him as clerk *pro tempore*. The clerk of Synod receives a salary fixed by the Synod. He is also entitled to fees for extracts as regulated by the Synod.

Corresponding Members.
Receiving of
Commissions.

Clerk or
Clerks.

Synod
Officer.

8. The Synod appoints an officer, who is in attendance at its meetings and executes its orders. At his appointment he promises to perform the duties of his office with fidelity. He has a salary fixed by the Synod.

Synod
Fund.

9. Synods are entitled to assess the congregations under their jurisdiction in order to provide such funds as are necessary for carrying on their work.

SECTION II. MEETINGS AND PROCEDURE

Ordinary
Meeting.

1. An ordinary meeting of Synod is held either under an Act of Assembly, or upon regular adjournment from the preceding ordinary meeting. Each Synod has a usual place of meeting at which it meets at least once a year. Other ordinary meetings may be held at such places within the province as the Synod may appoint. The time of regular meetings for ordinary business is fixed by the Assembly. The Synod must at the close of an ordinary meeting formally adjourn, to meet again for its next ordinary meeting at a specified place.¹

*In hunc effec-
tum Meet-
ing.*

2. A Synod may appoint a meeting *in hunc effectum*. The regulations for such meetings are the same as in the case of Presbyteries. (See Chap. IV., Sect. II. 5, page 47.)

*Pro re nata
Meeting.*

3. During the interval between meetings of Synod the moderator has the power, either on his own authority, or on requisition from at least a quorum of members, to call a meeting *pro re nata*, to dispose of any business which has occurred, and which seems to require immediate attention. The first business after the Synod is constituted and the roll adjusted is the approval or disapproval of the moderator's action in calling the meeting. No other business is to be entered upon except the particular business for which the meeting has been convened. The meeting is called by circular stating the special business, signed by the moderator and the clerk,

¹ See Act XIII. of Class II., 1912.

addressed to every minister of the Synod, and delivered or despatched through the post office in due time before the date fixed for the meeting. On receiving such notice, it is the duty of each minister to intimate the meeting to the member or members of his Session who are members of the Synod. The Presbytery clerk gives notice to the representative elders of vacant congregations. If the moderator decline to call a *pro re nata* meeting after receiving a requisition to do so, the whole circumstances of the case may be brought before the Synod at its next ordinary meeting. In the event of the moderator having ceased to be a member of the Court, his duties and responsibilities in relation to convening a meeting *pro re nata* devolve upon the clerk.

4. A meeting of Synod may be duly constituted provided a quorum, consisting of three members, two of whom are ministers, have convened.

5. A quorum of members being assembled the moderator conducts public worship and constitutes the Synod with prayer. In the event of the moderator being absent or having ceased to be a member of the Court, the next preceding moderator who is present, or failing the presence of any ex-moderator the senior minister present, constitutes the Synod.

6. The first act of the Synod after being constituted is to adjust its roll.

7. A Synod may appoint a standing business committee which shall meet for examination of Presbytery records and as a committee of bills and overtures, at a sufficiently early hour on the day of the Synod's meeting to be able to report as soon as the Synod is constituted, the roll adjusted, and the moderator elected.

8. Where there is no standing business committee there should be at least two diets at each ordinary meeting. At the first of these a committee of bills and overtures is appointed, which meets in the interval between the first and second diets, and reports as soon as the second

Roll ad-
justed.

Standing
Business
Committee.

Committee
of Bills and
Overtures.

diet is opened. The moderator and clerk of the Synod are *ex officio* convener and clerk of this committee.

Opening and Closing. 9. Every diet of Synod is both opened and closed with prayer. The minutes must always bear at the outset that the Synod was constituted (which expression is understood to imply that it was constituted with prayer, and that a sufficient sederunt had been ascertained), and at the end that the meeting was closed with prayer. No minute can be sustained as valid if it does not mention these two particulars, and no extract from the minutes is valid which does not mention these, and which is not certified by the clerk as having been extracted by him from the records of the Synod.

Minutes. 10. After the roll has been adjusted and the moderator appointed, or after the Synod has been constituted at its second diet, either the minutes of last ordinary meeting, and the minutes of any *in hunc effectum* or *pro re nata* meeting which has been held in the interval, or the items of business as stated in the margin, are read for information. But having been already approved they are not submitted for the judgment of the Synod. The minutes of each diet are read, adjusted, and approved at the commencement of the next diet; except those of the last diet, which are read, adjusted, and approved at the close of that diet. A committee may be appointed to revise the whole minutes of the meeting in its several diets before they are engrossed in the permanent record. After the minutes of any meeting have been approved by the Synod they cannot be altered except by the authority of the General Assembly. In adjusting the minute the Synod has no power to alter the *res gestæ*, the only question being the correctness of the minutes as a true account of what was done. The minutes of each diet of Synod, after they have been approved and engrossed in the permanent record, are signed by the moderator and the clerk.

11. Immediately after the reading of the minutes or marginal notes of the previous meeting or meetings, any business arising out of these minutes is first taken up.

12. When the Synod has no standing business committee the records of Presbyteries are called for at the first diet. A Presbytery whose record is not produced is liable to censure, unless a satisfactory explanation is given. A committee is appointed to examine the records produced and to report at the next diet.

13. Every Synod is required to appoint a standing committee to summarise and report upon the presbyterial reports of the quinquennial visitation of congregations. A Synod may appoint other committees if it see cause.

14. When there is more than one diet, intimation is publicly made before each adjournment of the time at which the next diet will commence.

15. All business to be brought before the Synod should be intimated to the Synod clerk, and all papers and documents intended for transmission to the Synod should be in his hands not less than ten days before the date fixed for the meeting of the Synod. No papers are received at a later date, unless reasons satisfactory to the Court are assigned for the delay.

Where there is a standing business committee the clerk convenes that committee at a suitable hour before the meeting of Synod ; gives intimation of the time and place of its meeting to all parties in causes, all of whom have a right to attend the meeting for their interests ; and submits to the committee the whole causes sent up to the Synod, with the papers and documents in each cause. The committee judges, subject to review of the Synod, as to the competency of each cause, and whether the papers and documents in connection with it are complete and in proper form, and decides upon its transmission or non-transmission accordingly. It reports to the Synod at the time appointed (see Rule 7 above) by reading its minutes.

Business
arising out
of former
Minutes.

Examina-
tion of Pres-
bytery
Records.

Intimation
of Adjourn-
ment.

Time and
Mode of
Transmis-
sion of
Papers.

Business
Committee.

When there is no standing business committee the clerk lays all causes and papers before the Synod itself, which remits them to its committee of bills and overtures with instructions to report at the beginning of the second diet.

Dissents
and Trans-
mission.

16. Any member of Synod or party in a cause who is dissatisfied with the decision of the business committee or committee of bills and overtures, or any member of the committee who has entered his dissent, is entitled to be heard by the Synod when the report of the committee is given in.

Order of
Business.

17. When the report of the business committee or committee of bills and overtures is disposed of, the Synod, having now its whole business before it, arranges the order in which the several causes are to be taken up, and proceeds to dispose of them. The Synod may, for sufficient reason, receive any new cause during its proceedings, and may either itself judge of its competency or appoint the committee to meet and report as to its transmission.

New Causes.

18. Appointments of corresponding members to neighbouring Synods may be made at any diet. The commissions run till the next ordinary meeting of the Synod which granted them.

Commis-
sions to Cor-
responding
Members.

Records.

19. The Synod is responsible to the General Assembly for the keeping of its permanent record. It must be sent up to the Assembly for examination and attestation, and should be in the hands of the clerks of Assembly not later than the third day of the Assembly's sittings.

An open
Court.

20. The Synod is an open Court, but may meet in private when it judges it necessary or expedient.

SECTION III. POWERS AND FUNCTIONS

Powers and
Functions.

1. A Provincial Synod is mainly a Court of review. All causes which can come before the Synod, except formal business and duties assigned to it by the General Assembly, are included under the head either of bills or of over-

tures. Under bills are included references from Presbyteries; protests and appeals; dissents and complaints; petitions and memorials. Under overtures are included overtures from Presbyteries addressed to the Synod, and proposals by members of the Synod to overture the General Assembly.

2. While their work is mainly that of judicial superintendence and review, Synods deal with the following causes in which their decision is final, except when otherwise specified as under :—

(1) General supervision of the interests of the Church within their bounds, and promotion of the life of the Church by annual conferences. Causes with which it deals.

(2) Supervision of Presbytery records. The rules to be observed by Synods in the exercise of this supervision are the same as for Presbyteries in dealing with the records of Sessions. (See Chap. IV., Sect. III., Div. II. 2, page 87.)

(3) Receiving and judging of reports of the quinquennial visitation of congregations by Presbyteries. For the procedure to be followed in dealing with these reports, see Chap. IV., Sect. III., Div. II. 4, page 89.

(4) Arrangements for visitation of Presbyteries, by deputies or otherwise, in promotion of the schemes of the Church, or in connection with inquiries into religion and morals. For the carrying out of this work synodical committees may be appointed, to be in correspondence with the standing committees appointed by the General Assembly, and to co-operate with them in promoting the schemes of the Church.

(5) Transmission to the General Assembly of overtures originating in the Synod itself.

(6) Judging appeals and references from Presbyteries, under limitation of right of appeal to the General Assembly in cases (a) affecting the doctrine or constitution of the Church; (b) affecting personal character or church standing; (c) proposing that congregations should be united.

(7) Any cause devolving upon Synods or specially remitted to them by Act of Assembly.

(8) The sanctioning of new congregations ; it being understood that, in those cases in which a grant from a central committee is required, a deliverance of the committee whose funds are concerned is laid on the table of the Synod. The right of appeal to the General Assembly is reserved in cases in which the committee does not acquiesce in the Synod's judgment. Synods are specially instructed to report to the General Assembly the cases which they sanction, and the pecuniary arrangements in each case.

(9) Receiving reports from Presbyteries recommending that sanctioned charges be dissolved or reduced to the status of stations, and deciding regarding them. The decision of the Synod in such cases is subject to appeal to the General Assembly. Where no appeal is taken, Synods are required to report to the Assembly all cases in which sanctioned charges are dissolved.

(10) The appointment of representatives to the Committee of Assembly on the Nomination of Standing Committees.

3. No legislative power is given to Synods, and their judicial and administrative decisions are subject to right of appeal in cases mentioned above (6, 8 and 9).

CHAPTER VI

THE GENERAL ASSEMBLY

SECTION I. CONSTITUTION

1. The General Assembly, the Supreme Court Member-
of the Church, is a representative body con- ship.
sisting of ministers and elders in equal numbers,
elected by Presbyteries under regulations which
will be found detailed in Chap. IV., Sect. III.,
Division III. 12, page 97.

2. The number of representatives from each
Prestery is fixed by the Plan of Union as
follows:—‘A number of ministers equal to
one-third of the sanctioned congregations and
professorial charges within its bounds, and the
same number of elders.’¹ Presbyteries are left
perfectly free as regards the individuals to be
elected. They should elect ‘such ruling elders
as may attend’; and to secure this they are at
liberty to elect elders of the Church beyond their
own bounds, but the ministers must all be
members of the Prestery electing them. A
newly sanctioned charge is not counted as in-
creasing the number of charges in a Prestery
until a pastor has been inducted into it.

3. In addition to their commission, elders re-
quire a certificate from the Session to which they
belong, of their being *bona fide* acting elders and
having signed the Formula. A form of certifi-
cate is provided by the clerks of Assembly. The
clause in the certificate of each representative to
the General Assembly ‘that he has signed the
formula,’ in the case of ministers and elders
ordained previous to the Union, means that he

¹ Changed by Act I. of Class I., 1912, p. 180.

has assented to the formula in use in that Church by which he was ordained (Act X., Oct. 1900). Before such commissioners can take their seats these certificates must be in the hands of the clerks of Assembly.

Representation of Mission Councils.

4. Mission Councils in the foreign field are also entitled to elect representatives to the Assembly under regulations contained in Act II., 1901, amended by Acts IX. and X., 1906.

Corresponding Members.

5. Besides the ordinary members of Assembly there are certain parties who have the privilege of sitting as corresponding members without a vote, viz.: (1) Missionaries—ministers or elders—ordained under the home Formula, at home on furlough, who are certified by the committee under which they act; (2) duly commissioned representatives from the Presbyterian Church of England.

Fixing Date and Place of Meeting.

6. Each General Assembly fixes the date and place of the succeeding Assembly. The General Assembly ceases to exist as soon as it is closed, and no provision has been made for summoning a special Assembly in the course of the year.

Moderator.

7. The Assembly is presided over by a moderator, elected immediately after it has been constituted. The Assembly may elect any one of its members, who has been ordained to the ministry, to that office. Consultations, in a manner approved by the Assembly, are commonly held beforehand, in order that the person designated may have an opportunity of preparing himself for his duties. At the moderator's request any member who has previously been moderator of the Supreme Court may occupy the chair.

The duties of the moderator, apart from the opening and closing addresses, are in substance the same as those of the moderator of a Presbytery or Provincial Synod. During the sittings of the Assembly he may be requested or instructed, as its organ or representative, to act in various ways which circumstances may require or suggest. He opens and constitutes next General Assembly, and presides till a

moderator is elected. Further particulars respecting the duties of the moderator may be gathered from the Standing Orders.

8. The Assembly has at least two principal Clerks, who are ministers. Their duties correspond generally to those of the clerks of the inferior Courts. They take charge of expediting the several parts of the arranged business in their order; and of minuting the proceedings, and publicly announcing the decisions. They also watch the procedure, so as to be ready to read all necessary documents; to call parties to the bar; and to see to any other matters that require attention. They divide the work by arrangement between themselves, but are jointly responsible for its completeness and accuracy. The minutes are authenticated by the signature of the moderator and one of the clerks.

The Assembly has also a depute clerk who is a ruling elder of the Church, and who, among other duties, takes charge of the preliminary arrangements for the Assembly, the printing of the Assembly papers and minutes, the arrangements of the Assembly Hall, and other matters required for the convenience of the Court. He is also custodier of all the Assembly's papers, books, and documents.

Extracts of the deliverances of the Assembly, signed by one of the clerks, are sent to the parties who are entitled to receive them as soon as convenient after the close of the Assembly.

9. The Assembly also appoints one or more Legal Advisers, who are ruling elders, charged with the duty of revising libels in cases of discipline, and giving advice to the Assembly and its Commission in cases which involve legal considerations; also one or more law agents, who Law Agents. are ruling elders of the Church.

10. A chief officer and a second officer are also Officers. appointed for the service of the Court.

11. The clerks and other officials now mentioned do not require re-election from year to year.

An open Court.

Quorum.

12. The Assembly is an open Court. But it may, when it sees fit, meet with closed doors.

13. A meeting of the Assembly may be duly constituted, provided a quorum consisting of three members, two of whom are ministers, have convened.

SECTION II. POWERS AND FUNCTIONS

Standing Orders.

1. The formal rules adopted by the Assembly for expediting its business are detailed in the Standing Orders. (See Appendix, page 215.)

Ordinary Business.

2. The ordinary business of the Assembly consists mainly of two parts :—(1) Reports from committees ; (2) Matters brought up from the inferior Courts. Members desiring to introduce any special subject for the consideration of the Assembly must do so in the form of an ‘Overture from members of the House.’

Business Committee.

3. The time and order in which business is to come before the Assembly is arranged by the ‘Business Committee,’ which is appointed at the first diet of the Assembly, and meets in the evening of the same day and afterwards as may be found necessary, and reports to the Assembly. Letters addressed to the moderator for communication to the Assembly are submitted to this committee, which determines whether they shall be brought before the House.

Committees.

4. Committees which report to the Assembly are of two classes :—(1) Those which are appointed during the Assembly to report to a subsequent diet ; (2) Those which are intrusted (with special powers, if necessary) with business to be conducted by them in the course of the year. Regulations as to both classes of committees will be found in the Standing Orders.

It is usual to refer to committees of the first class all matters involving the preparation of documents, or the investigation of details ; such, *e.g.*, as the preparation of an Address to the Monarch, the investigation of applications for sales of property, and questions in dispute

between parties in inferior Courts which cannot conveniently be entered into at the bar of the House. Several such committees are regularly appointed every year, and are named on the first or second day of the Assembly's meeting. But any special committee, which the Assembly may agree to appoint in the course of its proceedings, is not appointed till one day after the names proposed have appeared in the 'Daily Proceedings,' whether it is to report to the Assembly which appoints it, or to its Commission, or to the next Assembly.

5. Business brought from the inferior Courts is introduced by the production of papers from these Courts, which are printed according to regulations to be found in the Standing Orders. The Committees on Bills and Overtures, appointed at the first diet of the Assembly, are charged with the duty of examining these papers and reporting on their being in proper form for presentation to the Assembly.

Different classes of this business call for different procedure :—

(1) Appeals or complaints against judgments of inferior Courts, and references and petitions, require the appearance at the bar of the Assembly of persons representing all parties concerned. For further procedure with these, see Chap. VIII., Sect. v., and the Standing Orders of the Assembly, page 215.

(2) Overtures should be introduced to the House by a member of the Court from which they come, appointed for the purpose, who is also a member of the Assembly, or failing such by a member of the House interested in the subject of them, otherwise they are liable to be passed over without notice.

Where the particular matter to which an overtury refers is otherwise fully before the Court, the Court has the power to decide whether any one shall be specially heard in support of such overtury. It may also decide, when there is more than one overtury on the same subject,

Production
of Papers

Appeals and
Complaints,
References,
Petitions.

that only one speaker be heard in support of them.

Legislative functions.

6. The functions of the Assembly are legislative as well as judicial and administrative. It deliberates on matters which concern the whole Church in her doctrine, worship, discipline, and government, and declares the mind of the Church thereupon, so as from time to time to determine and regulate its constitution and laws. It may do so by way of what is called a Declaratory Act, which declares for the guidance of the Church what the Assembly holds the law of the Church to be on any point on which questions have been raised. Such an Act may be passed by the Assembly itself, without reference to Presbyteries; though Declaratory Acts on matters of difficulty or importance are often sent down to Presbyteries before the Assembly passes them. But when any proposal to pass an Act of Assembly, in any form, is such as involves 'alteration or innovation in either doctrine or worship or discipline or government' of the Church, it must, in order to become a 'binding rule' of the Church, be first submitted as an overture to the Presbyteries of the Church for their consideration, and can be finally passed only after the approval of a majority of Presbyteries has been obtained. (See Chap. IV., Sect. III., Division III. 11, page 96.) Regulations of immediate importance may be passed as *Interim Acts* until the approval of Presbyteries has been secured.

Barrier Act.

7. The General Assembly may remit any cause before it to a Special Commission of its members with such powers as the General Assembly shall see fit. And, unless it is otherwise provided in the terms of its appointment, the Special Commission shall have power to travel in, decide, and pronounce sentence in the cause; and its decision and sentence shall be final, and shall have the force and effect of a decision and sentence of the General Assembly, and shall be reported to the next General Assembly. The

Remit to a
Special
Commission.

Special Commission may, if it see cause, refrain (a) from deciding and pronouncing sentence in the cause, or (b) from pronouncing sentence, although it decide the cause; and may report the cause to the General Assembly, so that the latter may itself issue the cause. The Assembly may instruct such a Special Commission to report to the Ordinary Commission at any of its stated diets, authorising the latter to deal with any appeal or question arising out of the report. But the Ordinary Commission has no power to deal with the report beyond what may be conferred on it by the Assembly's deliverance.

8. The General Assembly, being the supreme judicial, legislative, and administrative Court of the Church, has a *nobile officium*. In virtue of this it may deal with and dispose of any matter which may arise and which is not provided for in the Rules of the Church or its Forms of Procedure. It may also, in virtue of its *nobile officium*, deal with and dispose of matters and cases provided for by these Rules and Forms in a way other than as therein directed, as shall seem to the General Assembly right and needful for doing justice in the particular case; but this should not be done save in circumstances exceptional in their character, or which appear in the particular case to render such a course necessary.

9. The General Assembly being the Supreme Court of the Church, its decisions, whether on the merits of a cause or on matters of procedure, are final. Application by office-bearers or members to the civil power or courts for reduction, restraint, review, alteration, or control of the procedure in the congregations or Courts of the Church, or of their decisions, is excluded. Parties in causes before the Church Courts, or affected by their decisions, are accordingly precluded from recourse to the civil courts in regard to these.

10. Although there is no Court to which an appeal from a deliverance of the Assembly can

Decisions of
General As-
sembly final.

Application
to a Civil
Court ex-
cluded.

Dissents.

be carried, it is open to any member, who is dissatisfied, to have his dissent recorded in the minutes, provided he gives it in as soon as the decision has been pronounced and before the Assembly proceeds to other business. If reasons of dissent are given in along with it, or before the close of next sederunt, these also are recorded, but if they are given in subsequently they are not recorded. Members who adhere to the dissent, however, and who were present when the decision was pronounced, or absent with sustained excuse, can intimate their adherence at any subsequent stage.

Protestations.

11. At the last diet of the Assembly, after all other business is concluded, protestations are called for—that is, an opportunity is given to any one to protest that some decision of an inferior Court has become final, because some party has failed to prosecute his appeal or complaint.

SECTION III. COMMITTEES OF ASSEMBLY

Standing Committees.

List of.

1. The Assembly appoints a number of Standing Committees for the administration of its Schemes and Funds, and for the supervision of the various departments of the work of the Church.

2. The Standing Committees at present are :—
 (1) Sustentation and Augmentation Funds ;
 (2) Home Mission ; (3) Church and Manse Building ; (4) Highlands and Islands ; (5) Foreign Missions ; (6) Colonial ; (7) Continental ;
 (8) Jewish Mission ; (9) Youth of the Church ;
 (10) Education ; (11) College ; (12) Aged and Infirm and Pre-Disruption Ministers' Fund ;
 (13) Assembly Arrangements ; (14) Finance ;
 (15) Publications and Records ; (16) Distribution and Employment of Probationers ; (17) Nomination of Standing Committees ; (18) Church Life and Work ; (19) Sabbath Observance ; (20) Temperance ; (21) Praise.¹

¹ For amended List, see pages 230-2.

3. The Schemes and Funds or departments of work, under the charge of these committees respectively, are indicated by their names. The committees are guided by the regulations and instructions of the Assembly.

For details as to the size of these committees, mode of their appointment, duties assigned to them, and regulations for their guidance sanctioned by the Assembly, see the larger *Manual*, page 316.

4. The Assembly also appoints such temporary and occasional committees as it judges necessary, to deal with specific business and questions of public importance.

Duties and
Regula-
tions.

Temporary
and Occa-
sional Com-
mittees.

SECTION IV. THE COMMISSION OF ASSEMBLY.

1. The Assembly appoints a Commission, consisting of all the members of the Assembly by which it is appointed, with the addition of one other minister or acting elder of the Church named by the moderator. This is done by an Act of Assembly by which its powers are defined.

2. The meetings of the Commission are fixed for the second Wednesday of August, the third Wednesday of November, and the first Wednesday of March, but it has power to fix additional meetings when required, though no private process can be determined at any such special meeting.

3. The Commission chooses its own chairman, who is commonly the moderator of the preceding Assembly if present. The clerks of Assembly act as its clerks.

A quorum of the Commission consists of thirty-one members. The Commission appoints at each of its meetings a committee to revise the minutes of that meeting ; and the minutes, when revised, are authenticated by the signatures of the chairman and one of the clerks. The record of the proceedings of the Commission must be submitted to the next General Assembly for examination.

Quorum.

Business.

4. The business of the Commission consists of specific matters referred to it by the Assembly with power to dispose thereof. The Assembly may remit any cause brought before it to the Commission in such terms as it approves. By the Act appointing the Commission, it is also empowered to dispose of references, appeals, or complaints, in matters connected with calls, translations and settlements of ministers and the status of congregations. Parties in causes have to appear at the bar of the Commission as in the Assembly. The Commission is further authorised at any of its stated diets, on request from the Foreign Missions Committee, to arrange for the ordination of such missionary agents as may be deemed suitable, it being understood that those thus ordained are not eligible for a charge in the home Church without special sanction of the General Assembly; and also to take up and dispose of such matters falling within the scope of the General Interests Committee as that committee may bring before it as urgently needing settlement. It is empowered to receive reports from Committees for information of the Church, and to give all needful advice and assistance to Synods, Presbyteries, and Committees of the Assembly upon application to it for that end. In all matters referred to it the Commission is required to act in terms of its appointment, and is strictly prohibited and discharged from meddling in any other matters than those committed and referred to it, except where the interests of the whole Church are concerned in matters arising subsequent to its appointment by the Assembly. In this case it is instructed to advert to the matter and see that the Church do not suffer or sustain any prejudice which it can prevent, as its members shall be answerable.

5. What is determined at one diet of the Commission as to private causes, cannot be altered at another diet, but continues in force, unless disapproved of by the next General Assembly.

6. In the particular causes and matters re-

ferred to the Commission, with power to dispose thereof, its sentences are final. In judging of these causes and matters, it acts as the Assembly does. But it cannot execute its own sentences. If any of them be disobeyed, the matter must lie over till the meeting of the next Assembly. Protests and complaints may be taken against sentences of the Commission, on the ground of their being *ultra vires*, or contrary to law, and the matter may be brought up to next Assembly. But no such process will justify disobedience in the meantime. If it appears that the Commission has exceeded its powers, or has acted in any way contrary to the Acts or Constitution of the Church, the next Assembly may set aside or reverse its procedure.

7. It shall be the duty of the clerks of Assembly, on receiving a requisition to call a meeting of the Commission, signed by a quorum of the Commission, or on instruction from the Assembly Arrangements Committee so to do, forthwith to issue a notice signed by them to all the members of the Commission, summoning them to a meeting, to be held not sooner than ten free days after the date of the notice, in the usual meeting-place of the Commission. The requisition to call the meeting must state the purpose or purposes for which such special meeting of the Commission is desired ; and the business to be brought before the meeting shall be stated in the notice by the clerks of Assembly calling it.

CHAPTER VII

CHURCH DISCIPLINE

SECTION I. OF DISCIPLINE IN GENERAL, AND THE DIFFERENT KINDS OF CHURCH CENSURE

Nature of Discipline.

1. Discipline is an ordinance appointed by the Lord Jesus Christ as King and Head of the Church, to be administered by the Church in His name and under His authority by methods in harmony with the constitution of the Church as a spiritual community.

Ends of Discipline.

2. The ends contemplated by discipline are the maintenance of the Church's purity, the spiritual benefit of her members, and the glory of the Redeemer.

Ground of Discipline.

3. The ground of discipline is a sin or offence of the nature either of doctrinal error or of grave impropriety of conduct, especially when, on account of its publicity, the sin or offence is a scandal, and is calculated to bring a reproach on religion. In regard to sins or offences which are not publicly known, the ends of discipline may, in many cases, be attained by private admonition, counsel and reproof.

Standards by which Faith and Conduct are tested.

4. The Holy Scriptures of the Old and New Testaments, and their exposition as set forth in the Westminster Confession of Faith, as accepted by this Church, are the standards by which faith and conduct are tested.

Subjects of Discipline.

5. The subjects of discipline are office-bearers, members, and baptized persons who are adherents.

6. Discipline consists in the administration of the appropriate censures of the Church to those whose conduct shall have given occasion for it.

7. The censures of the Church are admonition, Censures. rebuke, suspension, deposition from office, and excommunication ; and they are only administered on confession or proof of sin or offence.

(1) *Admonition* consists in addressing the Admonition offender, placing his sin or offence before him, and Rebuke. and exhorting him to greater circumspection. In the case of a minister or probationer this is done in the Presbytery or the Synod or the General Assembly ; in other cases, in or by authority of the Session or other Court ; and in each case by the moderator of the Court.

Rebuke, which is always accompanied with admonition, is a severer form of censure involving reproof.

These censures should be administered with all solemnity, and should be wisely adapted to the circumstances of the case.

(2) *Suspension from full communion*, as a censure, is a temporary exclusion from the privilege of sealing ordinances, and other rights of membership. Its object is deeply to impress the mind of the offender, to afford opportunity of judging of his professions of repentance, and to give a public testimony against the offence to the Church and to the world. While under suspension, the offender remains under the care of the Court having supervision (see Sect. vii., page 145). The suspension may or may not be for a specified period, and is removed as soon as sufficient cause for its removal appears. This is to be distinguished from suspension during the investigation of a charge, which is not to be considered as of the nature of a censure at all.

(3) *Suspension from office*, as a censure, debars Suspension from Office. from the privileges and duties of the office. It is either for a specified period or *sine die*. In neither case is it removed until sufficient cause appear for doing so, and in the former case it is not removed before the expiry of the period specified. Suspension of an office-bearer from

the privilege of full communion is uniformly accompanied with suspension from office ; but there may be cases in which the latter is expedient, while no sufficient grounds exist for the former. In the case of a minister, suspension from office for a specified period may be, and suspension *sine die* is, accompanied by removal from his charge.

Deposition. (4) *Deposition* consists in depriving an office-bearer of the office with which he is invested, and is resorted to only in very serious cases.

Excommunication. (5) *Excommunication* or exclusion from the fellowship of the Church is resorted to only in cases of peculiar aggravation, when all other means of reclaiming the offender have failed, and when he continues impenitent and contumacious.

Nature of Church Censures. 8. These censures are not of the nature of penance or satisfaction in order to the remission of sin ; neither are they of the nature of punishment or the exercise of retributive justice ; but they are means of grace used for the recovery of the erring from sin and peril, for the protection of Christ's people from occasions of stumbling, and for the edification of the Church.

Primary Court of Discipline. 9. The primary Courts of discipline are, the Session in the case of elders, deacons, members, and baptized persons who are adherents ; and the Presbytery, in the case of ministers and probationers.

Appeals in cases of Discipline. 10. Decisions in cases of discipline may be brought under review by protest and appeal by a party to the case, or by dissent and complaint by a member of the Court, from the Session to the Presbytery ; from the Presbytery to the Synod ; and from the Synod to the General Assembly ; but in the case of decisions of a Presbytery given after the last meeting of the Synod before the meeting of the General Assembly, or during the sitting of the General Assembly, a protest and appeal, or dissent and complaint, is taken from the Presbytery direct to the General Assembly.

11. In all matters of discipline office-bearers and members of the Church are bound to abide by the decision of the Session, Presbytery, Synod, or General Assembly; and recourse to a civil court against any decision of any of the Church Courts in such matters, or against the execution thereof, is excluded.

Recourse to Civil Courts excluded.

SECTION II. PROCEDURE COMMON TO SESSIONS AND PRESBYTERIES AS PRIMARY COURTS OF DISCIPLINE

1. The function of Sessions and Presbyteries in discipline is to make full inquiry into any allegation or *fama* affecting persons under their jurisdiction, with the object of ascertaining the truth; and on ascertaining it, to take such action as the circumstances demand.

Their Function in Discipline.

2. The spirit in which the inquiry and all further proceedings are to be conducted is that of Christian brethren acting with a view to the spiritual welfare of the person concerned and the edification of the Church. Severity and respect of persons must be carefully avoided, and the whole proceedings ought to be distinguished at once by gentleness and faithfulness.

Spirit in which Proceedings should be conducted.

3. A Session or a Presbytery may take up a case for discipline either at its own instance, or on a complaint or allegation made to it by an individual.

Inception of Case.

4. When such a case has been brought forward in a Church Court, careful consideration is first given to the question whether it is one with which it is competent and proper to deal. No case should rashly be made a subject of inquiry; and in the exercise of discipline there ought to be no unnecessary intermeddling with matters which are purely civil, nor any undue solicitude to pry into the private conduct or family concerns of individuals, to interfere in personal quarrels, or to engage in the investigation of secret wickedness.

The Court to consider if the Case is one with which it is competent and proper to deal.

5. When a complaint or allegation affecting

What is required of any one making a Complaint or Allegation.

The Court takes Conduct of the Case into its own hands.

The Court may arrange Conference with the Person concerned.

Duty of Person concerned.

Case of Personal Offence.

the doctrine or the conduct of a person subject to the jurisdiction of the Court is made by any one, the person making it is required to submit it in writing, with a statement of the grounds on which he makes it, and the sources of his information. Before approaching the Church Court, he should communicate his intention to do so to the person concerned ; otherwise the Court may decline to receive his complaint. If the Court, after consideration, decides that the case is one which should be inquired into, it takes the conduct thereof into its own hands, and institutes an inquiry. If the Court decides that the case is not one which should be inquired into, the person who made the complaint or allegation is entitled to protest and appeal to the next higher Court.

6. When the Court has satisfied itself that there ought to be inquiry, it may appoint one or more of its members to meet with the person concerned, acquaint him with the matter which has been brought to its cognisance, and confer with him thereanent. Judicious and friendly conference may facilitate a satisfactory settlement of the case. It is the duty of the person concerned to be candid, and, in so far as there may be truth in the matter alleged, to make full confession.

7. In a case of personal offence, it is the duty of an office-bearer or member of the Church, before bringing a complaint against any person, to have recourse to private dealing with him, agreeably to our Lord's precept in St. Matthew's Gospel, xviii. 15-17. Until he has followed this course without obtaining satisfaction, he is not warranted in bringing his complaint before the Court to which the alleged offender is amenable.

8. If the complainant, failing to obtain satisfaction by private dealing, brings the matter before the Court, it may appoint one or more of its members to converse with both parties with the view of disposing of the case.

9. When an allegation or a *fama* of a sin or an offence has been brought to the knowledge of the Church Court which should take cognisance of it, timeous action ought to be taken in the case. If no action has been taken within two years from the time of its being brought to the cognisance of the Court, or if it has not been noticed in order to censure for the space of five years, it should not afterwards be taken up unless, in either case, it be of a heinous nature, or the *fama* become again flagrant.

Time within
which the
Court must
take action.

10. Should it be deemed advisable, after the meeting provided for in par. 6 of this section, to proceed further with the case, the Court may do so by a formal inquiry. Before proceeding to a formal inquiry, the Court defines explicitly the matter proponed for inquiry. It then considers whether the matter is one which requires or warrants the Court to take further action. A complaint or an appeal against the finding which defines the matter proponed for inquiry sists procedure until disposed of. A complaint or an appeal against a resolution to take further action is competent at this stage, but does not sist procedure. Complaint or appeal against a resolution to refrain from taking action is also competent.

Procedure
preliminary
to a Formal
Inquiry.

11. When the person concerned confesses the sin or offence alleged against or attributed to him, the Court proceeds to appoint and administer such censure as the circumstances require. When partial confession is made to such an extent as to warrant censure, the Court may at once proceed to appoint and administer such censure as the circumstances require ; or it may, if such course appears to be called for in the faithful discharge of its duty, proceed with an inquiry as to the remainder not confessed to, and delay appointing and administering censure till the conclusion of the inquiry. When confession is made by a minister or elder, it is reduced to writing, signed by the minister or elder concerned, and recorded in the minutes.

Complaint
or Appeal.

Partial Con-
fession.

Reduced to
Writing.

Person concerned to be duly informed regarding Formal Inquiry.

Manner of Citation.

Nature of Statement to be furnished.

Interval between the Citation and the Inquiry.

Failure of Person concerned to appear.

12. When it has been resolved to proceed to formal inquiry, the Court takes care that the person concerned is duly informed of the matter to be inquired into, and of the time and place at which the inquiry is to be proceeded with, and at which his presence is required. He may be cited *apud acta*, if present when the resolution to make formal inquiry is agreed to; otherwise a written citation by the clerk of Court shall be served on him, either by the officer of Court delivering it to him personally, or leaving it for him at his ordinary residence in presence of a witness, or by the clerk of Court sending it to him by registered letter to his ordinary residence. In either case he is furnished at the time with a certified copy of the formal statement of the matter to be investigated, with a copy of the order to serve written upon it and signed by the clerk. In the case of persons subject to the Session as the primary Court of discipline, this statement may be, and in the case of ministers shall be, in the form given in the Appendix, with such modifications, if any, as may be necessary.¹ At least ten free days must elapse between the time of citation and the time of the meeting for formal inquiry. In the case of citation by registered letter the ten days are reckoned from twenty-four hours after the time of posting. When the citation is served by the officer, he writes a certificate of service on the formal statement; when it is sent by registered letter, the clerk writes the certificate of service.

13. Should the person concerned fail to appear at the appointed meeting, a second citation, with certification, to attend another meeting, duly fixed, to be held not sooner than eight days after citation, is served on him at his ordinary residence, either personally or by being left at or sent by registered letter to his ordinary residence, as aforesaid,—the eight days in the case of citation by registered letter being reckoned from twenty-four hours after the time

¹ See larger *Manual of Practice*, p. 271.

of posting ; and should he again fail to appear, without adequate reason, the Court may hold him as having confessed, or may proceed with the inquiry in his absence, and in either case dispose of the cause. He may also be dealt with for contumacy, either without proceeding with the inquiry or after proceeding with it, as may in the circumstances be considered advisable.

14. The Court shall take the necessary steps to secure the presence of all persons whom the Court or the person concerned may think qualified of their own knowledge to furnish information on the subject-matter of inquiry. Members of the Church, when duly cited by a Court, are under obligation to attend at the inquiry for the purpose of giving information.

15. The investigation is conducted in presence of the person concerned, but may be proceeded with in his absence should he not appear, either at the meeting to which he is cited, or at any subsequent meeting for the consideration of the case. Notice of such subsequent meeting should, if possible, be given to him. Should request be made that any one brought forward for examination be put on oath, the Court decides whether this shall be done.

16. Any member of the Court or the person concerned may object, for reasons stated, to any one brought forward for examination, or to any question that may be put, or to any documents or other productions that may be proposed to be used ; and such objections shall be disposed of by the Court. A complaint or an appeal against the decision of the Court disposing of such objections does not sist procedure.

17. The information given by the persons examined shall be recorded in a separate paper. It shall be taken down either by the clerk of the Court, or by a member of the Court appointed for the purpose, or in shorthand by a skilled shorthand writer. In general, it should be taken down in narrative form, and not in the form of question and answer ; but important questions

Arrangements made for presence of Persons qualified to furnish Information. Members of the Church bound to attend.

Investigation conducted in presence of Person concerned.

Examination on Oath.

Objections to Persons brought forward for Examination, or to Questions put.

Information obtained to be recorded in a separate paper.

Authentica-
tion of
Statements.

and answers should be recorded at length. In every case, after a person's examination is ended, his statement as taken down is read over to him, that he may have the opportunity of correcting any inaccuracies; and after any such are corrected, he is asked to say whether the statement is correct; and the record shall bear at the end of each person's examination that this has been done, and that he has declared that his statement as recorded is correct. In the case of statements taken down in shorthand, the shorthand writer shall furnish a transcript thereof, which shall be authenticated by his signature, and by a statutory declaration by him that it is a true and correct transcript of the statements as taken down by him. In the case of statements taken down not in shorthand, they shall be authenticated by the signature of the clerk of the Court, or of the member of the Court who has taken them down.

Examina-
tion of Per-
sons unable
to attend.

18. Should any one from whom information is desired be unable to attend, the Court may appoint two or more of its members to examine him, take down his statement in writing, and submit it, duly authenticated, to the Court. The person concerned and his adviser are entitled to be present at the examination and to put questions.

Procedure
when the
Sin or
Offence
alleged has
been estab-
lished.

19. When the result of the inquiry is to establish that the sin or offence alleged has been committed in whole or in part, the Court pronounces a finding to that effect. If no appeal or complaint is taken against that finding, it thereupon proceeds to appoint appropriate censure, and, unless an appeal or complaint is taken against the censure appointed, to administer the same. When the result is that the Court considers that it has not been established that the sin or offence alleged has been committed, it pronounces a finding to that effect.

The Court may preface its finding that the sin or offence alleged has been committed, in whole or in part, or that it has not been estab-

lished that it has been committed, with findings that certain facts have been established, or that certain alleged facts have not been established; and in either case, if the Court thinks fit, it may accompany the finding disposing of the case with such expression of opinion or such counsels as may seem to it suitable.

When the finding is that it has not been established that the sin or offence alleged has been committed, if in the providence of God new light should afterwards be cast on the case, the Court may reopen it, provided that, after careful consideration, it deems the reopening of it to be required in the interests of discipline.

20. An appeal or complaint against a finding that the sin or offence alleged has been committed in whole or in part, sists procedure till it is disposed of. An appeal or complaint at any earlier stage does not sist procedure, with the exception of an appeal or complaint against the sufficieney of the formal statement. (See par. 10, page 125.) If no appeal or complaint is taken against the decision in the case, all appeals and complaints taken during the proceedings therein fall. If an appeal or complaint is taken, and the superior Court sustain the finding of the lower Court in whole or in part and the case is carried no further, it either appoints and administers censure, or remits the case back to the lower Court with an instruction as to what the censure should be. An appeal or complaint may be taken against the censure when appointed, although no appeal nor complaint has been taken against the finding on which it follows.

21. When a Court, on inquiry into a *fama* or other allegation affecting any person subject to its jurisdiction, finds that there is ground for further proceeding in the matter, and that the *fama* or allegation affects the character of any person or persons outwith its jurisdiction, who are members or adherents of the Church, it shall without delay communicate with the Court to which such person or persons are subject, in order that

An Appeal or
Complaint
against a
Decision
warranting
Censure;

against the
Censure.

the parties, being duly informed of the proceedings already taken in the case, may have the opportunity of appearing for their interests before the Court in which further proceedings are to be taken; and that the Court subject to whose jurisdiction any such person is, may take such action as it shall judge to be called for, either in the way of dealing with the case itself or of citing all persons concerned as parties or as witnesses to appear before the Court by which proceedings have been instituted. When parties involved in a *fama* or allegation are subject to different Courts, it may be found advisable for each Court to appoint a committee to deal with the case, instructing it to proceed conjointly with any committee appointed for the same purpose by the other Court. Each Court must give judgment on the report of its own committee; but any member or adherent affected by such judgment, although not subject to the jurisdiction of the Court pronouncing it, has the right of bringing the matter before the superior Court by appeal or petition.

Confession involving others.

22. When a confession of sin is made to any Court by a member or adherent of the Church, involving any other member or adherent, a Court ought not to deal with it as regards one party alone, until after all reasonable steps have been taken to bring the case of such other member or adherent before the Court having jurisdiction, with the view of having the case disposed of with due regard to the interests of all concerned.

Case may be referred to superior Court.

23. Should the matter involving members subject to different Courts be one of special gravity or difficulty, the Court taking up the matter may refer it *simpliciter* to the superior Court, that if all the parties are subject to its jurisdiction it may deal with the case, or if all the parties are not subject to its jurisdiction it may, by concurrence with any Court having jurisdiction over the person or persons concerned, arrange for its being dealt with by one

process, or may, if it judge it more prudent, refer the whole matter to a higher Court.

24. If any case arises for which these rules do not make full provision, Sessions and Presbyteries have a discretionary power in the conduct of the case; but care must be taken that substantial justice is done to the person concerned, and full opportunity allowed him to vindicate his innocence or extenuate his guilt.

25. It is the duty of Sessions and Presbyteries and Synods to explain the forms of procedure fully and distinctly to parties concerned, and to show them how they may carry their case to the superior Court, if they desire to do so.

26. While the Church does not permit the employment of counsel in any of its Courts, it allows the assistance of advisers. In a formal inquiry by a Session the person concerned may have the assistance, as his adviser, of any elder within the bounds of the Presbytery who is willing to act. In a formal inquiry by a Presbytery the person concerned may have the assistance, as his adviser, of any minister or elder of the United Free Church who is willing to act. If the cause is carried to a superior Court, the person concerned may there have the assistance, as his adviser, of any elder or minister of the Church who is willing to act.

27. When a person concerned desires to have the assistance of an adviser in a formal inquiry, or in a superior Court to which the cause may be carried, he shall intimate in writing to the clerk of the Court in which he wishes to have such assistance, at least three clear days before the day fixed for the formal inquiry, or for the hearing of the cause before the superior Court, as the case may be, the name and address of the person who he proposes shall act as his adviser; and the sanction of the Court to the person proposed as adviser shall be required before he can act as such.

28. The adviser counsels and assists the person concerned in the inquiry, and, as well as the

Cases not
fully pro-
vided for in
the Rules.

Courts to ex-
plain the
Forms of
Procedure,
etc.

The Person
concerned
may have an
Adviser.

Must give
intimation
to the Clerk
of Court.

Sanction of
the Court
required.

Position and
Rights of
the Adviser.

person concerned, is entitled to put questions to the witnesses, and at his request and in his stead, to be heard on the whole matter at the close of the examination and conference (see Sect. III. 6 and 7, pages 133, 134, and Sect. IV. 12, 13, page 138), and in reply after the address to the Court by one of the members appointed to lead in the examination. If the cause is carried to a superior Court, he counsels and assists the person concerned in presenting his case, and may address the Court at his request and in his stead. He may also answer questions put by the Court. When the person concerned has the assistance of an adviser, he must himself be present during the conduct of the case, unless the Court consent to his absence.

Adviser dis-
qualified
from taking
part in the
cause as a
Member of
Court.

Duty of
Adviser.

Subject to
the Court
before which
he appears.

29. Any person who has acted as adviser at any stage of a cause in any Court is thereby disqualified from taking part as a member, either of the Court in which he has so acted or of any higher Court, in the consideration and disposal of the cause.

30. One who acts as an adviser is under the same obligation as the members of the Court and the person concerned to assist in the expunction of the whole truth. He is subject to the authority of the Court before which he appears, and the Court may at any time during the progress of the cause recall its sanction to the adviser to act as such, should his conduct give occasion for it, in which event he shall not be entitled to take any further part in the cause either in that or in any other Court of the Church.

SECTION III. PROCEDURE IN THE EXERCISE OF DISCIPLINE IN THE CASE OF MEMBERS OF THE CHURCH

When In-
quiry is
resolved
upon, the
Session
appoints

1. When inquiry into an allegation or *fama* which has been brought under the notice of a Session is resolved upon, action is taken, in the first instance, in terms of Sect. II. 6, page 124. The members of Session delegated to meet with

the person concerned hold friendly conference with him, apprise him fully of the allegation or *fama*, and invite him to make full and frank statements in relation thereto.

Delegates to confer with Person concerned.

2. On the report of the delegates the Session either finds that there is no ground for further procedure; or if it considers that there is ground for such, it then deals with the case by further conference through delegates, or by requiring the party or parties to appear before it, or by a formal inquiry, or by such other action as shall be thought advisable.

Report of the Delegates.

Further procedure.

3. Should the Session require the person concerned to meet with it, it puts the alleged sin or offence before him, affectionately urges him to make a full and candid declaration of the truth, and in case of confession in whole or in part may act as provided in Sect. II. 11. page 125.

Person concerned requested to meet with the Session.

4. Should the Session, after this meeting with the person concerned, deem it advisable that the case be proceeded with, it may proceed to a formal inquiry, unless the gravity or difficulty of the case require a reference to the Presbytery. If it proceeds to a formal inquiry, it fixes the time when the meeting for holding the inquiry shall be held, and requires the attendance of the person concerned at said meeting (Sect. II. 12, page 126). It also takes the steps necessary to secure the attendance of the persons who are to be brought forward for examination (Sect. II. 14, page 127.)

Reference to the Presbytery.

Arrangements for a Formal Inquiry.

5. When formal inquiry is resolved upon, the person concerned is debarred from the enjoyment of sealing ordinances till the issue of the inquiry.

Debarring from Sealing Ordinances.

6. When the person concerned appears, the Session first ascertains whether he adheres to the denial given by him at the previous meeting. Should he do so, the Session proceeds with the formal inquiry. Full opportunity is given to the person concerned to put any relevant questions to the persons examined. (See also Sect. II. 23-25, page 130.)

Procedure when Person concerned appears.

Person heard.

Session deliberates with a view to Judgment.

May refer the case.

Censure appointed.

Session may apply to the Presbytery for Assessors.

Discipline in case of members removing.

Certificates to persons under inquiry or suspension.

7. When the examination is closed, the person concerned is heard. (See Sect. II. 23-25, page 130.)

8. The Session then proceeds to deliberate with the view of coming to a judgment, but if it deems it expedient, it may delay judgment till another meeting, which shall be held as soon as convenient, and not later than one month. In a case of special difficulty, it may at this stage refer the case to the Presbytery.

9. When the result of the formal inquiry is to establish that the sin or offence alleged has been committed in whole or in part, and no appeal nor complaint is taken, the Session proceeds to appoint adequate censure, and if no appeal nor complaint is taken against it, to administer the same.

10. When a Session resolves on a formal inquiry into an allegation or *fama* affecting any one subject to its jurisdiction, it may, if it thinks it expedient, apply to the Presbytery for the appointment of assessors to sit with it in the inquiry. Where the membership of the Session is small, it is expedient that this rule should be acted on.

11. Where an allegation is made or a *fama* arises affecting a member of the Church between the time of his obtaining a certificate of disjunction from one Session and lodging it with another, the matter is dealt with by the Session which disjoined him, but if he has lodged his certificate with another Session the latter takes up the matter.

12. A certificate of disjunction is not to be granted to a member in regard to whom a case is pending, or who is under suspension, except as provided in Sect. VII. 3, page 146 of this chapter. Should the member remove to a distance while his case is under investigation, the Session may complete the inquiry and dispose of the case; or it may request the Session of the congregation to which he removes to take up the case and carry it to a conclusion.

SECTION IV. PROCEDURE IN THE EXERCISE OF
DISCIPLINE IN THE CASE OF MINISTERS,
ELDERS, AND PROBATIONERS

1. Special caution is to be exercised before entertaining an allegation or *fama* affecting an office-bearer; and the proceedings ought to be conducted with strict attention to form.

2. Ministers residing beyond the bounds of the Presbytery of which they are members remain subject to the jurisdiction of that Presbytery. Ministers who are not members of any Presbytery are subject to the jurisdiction of the Presbytery within whose bounds they reside. Probationers are subject to the jurisdiction of the Presbytery which licensed them, till they are regularly transferred to another Presbytery. (See Chap. IV., Sect. III., Div. I. 2, page 58.) Should a *fama* or allegation affecting the doctrine or conduct of a minister or probationer, which appears to call for inquiry, come under the notice of a Presbytery other than that which has jurisdiction over him, the Presbytery under whose notice such *fama* or allegation comes shall communicate the same, with all the information thereanent in its possession, to the Presbytery having jurisdiction over him, in order that it may deal with the case. Those having the status of elders, who are members of a congregation in which they do not hold office, are subject to the Session of the congregation of which they are members.

3. It is a peculiarity in the position of ministers and elders that they are usually members of the Court which exercises discipline in their case, and share with the other members of it the responsibility of guarding the purity of the Church and the character of its office-bearers, including their own. It is their special duty as members of the Court to give every facility for clearing up any allegation or *fama* affecting themselves. If they have erred, confession is their duty, and it is the first step in the way of amendment.

Caution in
entertaining
allegations.

Ministers,
emeriti, etc.,
Probation-
ers, and
Elders and
Deacons not
holding
Office.

Responsi-
bility as
Members of
Court of
Office-bear-
ers affected.

Preliminary Inquiry. 4. When a *fama* is in circulation affecting a minister or a probationer, either as to his doctrine or his conduct, the Presbytery, after having apprised him, either itself or by a committee institutes a preliminary inquiry respecting the rise of the *fama*, the persons originating the same, and the grounds on which it rests. In the case of an elder a similar course is followed by the Session.

Allegation by a Private Party. 5. When anything is alleged by a private party against the doctrine or the conduct of a minister, elder, or probationer, the first procedure of the Court is taken in terms of Sect. II. 5, page 123.

Office-bearer affected may submit statement. 6. The person affected by any *fama*, or by an allegation affecting his doctrine or conduct, may be invited by the Court or its committee to submit any statement which he desires to make regarding the *fama* or allegation. Or the Court may take action in terms of Sect. II. 6, page 124.

Statement submitted to the person concerned. 7. When, as a result of the preliminary inquiry, it appears to the Court that there is reason for further investigation, it shall submit to the person concerned a full and precise statement of the heretical opinions or the sinful or improper conduct attributed to him, in order to ascertain whether or not he admits the allegations therein contained.

When the statement relates to heretical opinions, it shall refer specifically to the particular portion or portions of the subordinate standards of the Church with which the opinions are alleged to be in conflict.

The person concerned may object to the sufficiency of the statement submitted to him; and the Court shall consider his objections, and may, if it think fit, alter and amend the statement in such way as shall appear to it proper; and the statement, as so adjusted, shall form the basis of the formal inquiry.

Statement of the Matter for Formal Inquiry. 8. Should the person concerned deny the sin or offence alleged against or attributed to him, the Court shall, except in the case of a minister

who demands that a libel be served on him, proceed, either itself or by a committee, to a formal inquiry into the allegations or *fama*; and shall appoint a day for entering on, and proceeding with, the inquiry. In the case of a minister or probationer, the Presbytery shall prepare a 'Statement of the Matter for Formal Inquiry,' in which shall be embodied : (1) the statement of doctrinal opinions, or of sinful or improper conduct, as finally adjusted and submitted to him; (2) intimation of the time and place at which the formal inquiry is to be entered on; (3) a requisition to the minister concerned to be present at the meeting; (4) a list of names of persons who may be brought forward for examination, and of productions which may be used; and (5) a statement that the clerk of Court, on receiving the names of any other persons whom the minister concerned may regard as able to give helpful information, will take steps with a view to securing their presence. A copy of this statement, certified by the clerk of Court, shall be delivered to the minister not later than ten free days before the day fixed for entering on the formal inquiry. Notwithstanding the list of witnesses and productions furnished in the formal document, any other witnesses may be examined and any other productions used, provided the clerk of Court intimates the names of the witnesses, and the titles or description of the productions so as to identify them, to the person concerned, at least three clear days before such witnesses are examined or productions used. In the case of an elder the like course shall be followed by the Session.

9. The Court, when it resolves to proceed with a formal inquiry, shall discharge the minister, elder, or probationer concerned from the exercise of all official duties, and may, if it see fit, debar him from the enjoyment of sealing ordinances, during the formal inquiry into the case.

Case of a
Minister or
Probationer.

Case of an
Elder.

Discharge
from Official
Duties, etc.

Access to
Produc-
tions.

10. The minister, elder, or probationer concerned has right of access to any productions in the case which are in possession of the Court. He shall also give timeous notice of any persons whom he desires to be brought forward for examination, in order that the clerk of the Court may take steps with a view to securing their presence.

11. When a formal inquiry is being conducted by a Presbytery, the Court may, after the formal statement has been adopted and served, remit the investigation to a committee instead of conducting it in the Court itself. (For report of committee see par. 16 following.)

12. In the case of a minister or probationer two members of the Presbytery may be appointed to arrange, after conference with the person concerned, and subject to the approval of the Presbytery, the order in which the persons to be examined shall be called, and to lead in their examination, unless it shall be arranged that the minister or probationer concerned shall lead in the examination of any particular witness or witnesses. Full opportunity shall then be given to the other members of Presbytery, and to the minister or probationer concerned, if he has not led in the examination, to put questions ; and thereafter the person who has led in the examination may put further questions. When the inquiry is conducted by a committee the same procedure is followed. In the case of an elder a like course should be followed by the Session.

By a
Session.

Full Inquiry
to be made.

Officer-
bearer con-
cerned
heard.

Court pro-
ceeds to a
Decision.

13. At the time appointed the Court or the committee shall make full inquiry into the matter by examination of the witnesses and productions. Thereafter they shall hold conference with the person concerned. At the close of the examination and conference, if the person concerned desire, he or his adviser shall be heard. The Court or the committee shall then proceed, either at the same or at an adjourned meeting, to give its decision, and with a view thereto may

in special circumstances exclude the person concerned and deliberate in private.

14. After a decision is arrived at the moderator announces it to the person concerned.

15. When the formal inquiry is conducted by the Court itself, if the result of the inquiry has been to establish that the sin or offence alleged has been committed in whole or in part, and no appeal nor complaint is taken, the Court thereupon proceeds to appoint adequate censure and, if no appeal nor complaint is taken against the censure appointed, to administer the same. If, on the other hand, the result of the inquiry has been a finding that it has not been established that the sin or offence alleged has been committed, and no appeal or complaint is taken, the minister, elder, or probationer is restored to the exercise of all his official duties.

16. When the formal inquiry is made by a committee, the committee shall lay on the table the record of its proceedings, and shall report its decision on the case to the Court by which it was appointed, and with which the disposal of the case lies. In reporting to the Court the committee shall state : (1) the decision to which it has come ; (2) dissents, if any, from its decision ; (3) the acquiescence or non-acquiescence of the person concerned in its decision. On receiving the report of the committee, the Court may either adopt the decision, without reviewing the proceedings ; or it may review the proceedings, and if it see cause, alter the decision ; or it may set it aside and come to an independent judgment. If the person concerned has not acquiesced, or if there be any proposal to alter the decision in which he has acquiesced, he shall be heard by the Court.

17. Should the minister, elder, or probationer concerned, although present, decline to take any part in the formal inquiry, the Court shall proceed with it to a conclusion and come to a decision in the case, which decision shall be duly announced to him.

Decision announced.

Procedure by the Court in view of Decision arrived at.

Procedure by a Committee in view of Decision arrived at.

Procedure of the Court on receiving the Committee's Report.

Office-bearer concerned refusing to take part in the Inquiry.

Procedure
in a Libel.

18. A minister may demand that a *fama* or allegation affecting his doctrine or conduct shall be investigated by a trial under a libel, and not by a formal inquiry. Such a demand must be made before the Presbytery has entered upon the formal inquiry at the meeting appointed for that purpose ; and when such a demand is timeously made the matter shall be investigated by a trial under a libel, and not by a formal inquiry. If the formal inquiry has been entered upon without the minister having demanded a libel, he shall be held to have approved of the matter being investigated by a formal inquiry, and shall not thereafter be entitled to demand a libel.

Form of
Libel.

19. The libel shall be as nearly as possible in the form given in Appendix VI. to *Manual of Practice and Procedure*, page 274, and shall contain as the charge against the minister a statement of the heretical opinions, or the sinful or improper conduct, attributed to him. Appended to the libel shall be a list of the witnesses, and of the publications or other productions proposed to be used in support of the charge ; but additional witnesses or productions may be brought forward afterwards, provided notice of such is given as provided in Rule 8 of this Section.

Appointment of Prosecutors.

20. When a libel is demanded the Court may appoint one or more of its members to prepare the libel and submit it to the Presbytery, and afterwards to act as prosecutors. The prosecutors cannot vote on any question which may arise in the course of the inquiry or in the consideration or disposal of the case, either in the Court in which it originates, or in any higher Court.

Revisal and
Adjustment
of Libel.

21. When the libel is prepared it shall be submitted to the legal adviser of the Church, in order that he may revise and adjust it. The libel as so adjusted and revised shall, with the relative list of witnesses and productions, be signed by the prosecutors and be laid before the

Court, which shall satisfy itself that the libel is regular in form and sufficiently full and precise.

22. When a libel against a minister is prepared and prosecuted by prosecutors appointed by the Presbytery, it can be served only by authority of the Court. In this case it is served before its relevancy is considered, and the position of the minister in relation to relevancy as well as in relation to the merits, is that of a party at the bar.

The Presbytery fixes the time of proceeding with the case, which shall not be earlier than ten days from the date of service of the libel. At the meeting for proceeding with the case the libel is read by the clerk, the accused is asked if he has any objections to the relevancy of the libel, and opportunity is given to him or his adviser to state and maintain such objections, and to the prosecutors to answer them. The Court then proceeds to dispose of any such objections.

23. When a libel is demanded and the Presbytery resolves itself to prosecute it, it appoints one or more of its members to prepare the libel and submit it to the Presbytery for adjustment and approval. After its adjustment and approval the Presbytery shall summon the minister accused to attend a meeting to be held after ten free days' notice, to consider the question of serving the libel. A copy of the libel and appended documents must accompany the summons.

At that meeting the Presbytery are called carefully to consider the relevancy of the libel; and if they resolve to serve it, they must serve it as a libel which they have already judged to be relevant. The minister concerned is still a member of Court, and entitled to take part in the discussion of the question of relevancy like any other member. If he object to the resolution to serve the libel his remedy is not by appeal, but by dissent and complaint.

24. If the libel is found irrelevant the case may take end, or a new libel may be framed and served. If part is found irrelevant, and part

Service where Prosecutors are appointed.

Time of Proceeding.
Procedure.

Where the Presbytery prosecutes the libel.

Relevancy.
Remedy of accused if objecting.

Procedure if Libel found irrelevant.

relevant, and no appeal or complaint is taken, the case proceeds, if the Court think fit, upon the part which has been found relevant. An appeal or complaint suspends procedure till it is disposed of.

Procedure
if Libel
found
relevant.

25. When a libel has been found relevant in whole or in part and has been served, the accused is asked whether or not he admits the charges found relevant. If the charges are admitted, and the Court is satisfied, appropriate censure is administered. If the charges are not admitted, the case is proceeded with by taking the evidence.

26. When prosecutors are not appointed, the Presbytery, after the libel is found relevant, appoints two of its members to lead in examining witnesses in support of the libel, and in cross-examining witnesses for the defence, and to sum up the evidence.

Taking of
Evidence.

27. Evidence in support of the charges is first led, and thereafter the accused is entitled to lead evidence in his defence. Each party is entitled to cross-examine the witnesses adduced by the other; and at the conclusion of each witness's evidence, questions, allowed by the Court, may be put to the witness through the moderator.

Hearing of
Parties.

28. After the evidence is concluded, if prosecutors in support of the charges have been appointed they are heard first, and then the accused or his adviser in answer, and thereafter one of the prosecutors in reply. If prosecutors have not been appointed, one of the members appointed to lead in examining witnesses and to sum up the evidence is first heard, and then the accused or his adviser. Questions may then be put to parties by the Court, important questions and answers being taken down in writing, and forming part of the record. Parties are then removed and the Court proceeds to judgment.

Questions.

29. The rules which apply in the case of a formal inquiry in regard to service on the person concerned, his having the assistance of an adviser, witnesses who may be examined, arrangements for their attendance, access to documents, discharge from the exercise of official

Rules in the
case of a
Formal In-
quiry to
apply to
case of Libel.

duties, debarring from the enjoyment of sealing ordinances, appeal and complaint, announcing the decision of the Court to the party accused or interested, the appointing and administering of censure in the event of the charges being established, and the action to be taken in the event of their not being established, shall apply to cases tried under a libel.

30. When a minister or other office-bearer persistently absents himself from the discharge of his duties, or disowns the authority of the Church Courts to which he has promised to submit himself, or is found guilty of following divisive courses, or is otherwise contumacious, the Court which finds him guilty of such conduct may, if there is no complaint nor appeal against its judgment, summarily suspend him from office, or may declare him to be no longer a minister or office-bearer of the Church.

31. When a Presbytery has, by a judicial act, removed a minister from his charge, or deposed him, or excluded him from the fellowship of the Church, it declares his charge vacant, and appoints one of its members to intimate this to the congregation.

Contumacy
and Divisive
Courses.

SECTION V. PROCEDURE IN THE EXERCISE OF DISCIPLINE IN THE CASE OF PROFESSORS

1. Professors in the Colleges of the Church are, in the discharge of their duties, under the supervision of the College Committee of the Assembly.

2. A complaint or allegation regarding the doctrine or conduct of a Professor of such a kind as, if substantiated, would involve discipline, must be made in the first instance to the College Committee.

3. If such a complaint or allegation is made to the College Committee, or if a *fama* relating to the doctrine or conduct of a Professor comes to its knowledge, it shall inquire into the matter and confer with the Professor concerned. If, as

When a
Minister is
removed,
etc., his
Charge is
declared
vacant.

To whom
Complaint
to be made.

Procedure of
Committee.

the result of such inquiry and conference, it is of opinion that further procedure is advisable, it may report the whole matter to the General Assembly, or it may initiate proceedings in regard thereto before the Presbytery of which the Professor is a member. In reporting to the General Assembly, the College Committee may submit any recommendations it thinks proper.

4. If the College Committee initiate proceedings before the Presbytery, or if the Assembly instruct it to do so, it shall proceed by regular process as described in preceding sections.

In all cases in which proceedings in regard to the doctrine or conduct of a Professor are initiated before a Presbytery by the College Committee, it may appoint certain of its members to act for it.

5. If a *fama* relating to the doctrine or conduct of a Professor comes to the knowledge of the Presbytery of which he is a member, it may report the matter to the College Committee. Should the Presbytery judge it necessary itself to initiate a formal process in the case of a Professor, it must intimate its action to the College Committee, which may appear as a party in the case, should it see cause.

SECTION VI. POWERS AND FUNCTIONS OF THE GENERAL ASSEMBLY IN CASES OF DISCIPLINE ; AND OF PRESBYTERIES AND PROVINCIAL SYNODS AS COURTS OF REVIEW IN SUCH CASES

Appeal in a question of relevancy.

1. If a competent appeal or complaint or reference bring up a question as to the sufficiency of the statement of the matter to be investigated in a formal inquiry, or of the formal statement served on a minister, elder, or probationer, in the case of a formal inquiry, or as to the relevancy of a libel where such has been served on a minister, and if the Court find the statement or formal statement insufficient or the libel irrelevant, it may, if it see fit, correct the same.

and appoint the case to be inquired into or tried and issued on the amended statement, formal statement, or libel.

2. If a charge is found proven by a Court of Review whose judgment shall finally dispose of the cause, the sentence following on such judgment may either be pronounced by the Court whose judgment becomes final, or reserved for the action of the inferior Court in following out the instructions of the Court of Review.

3. If any case of flagrant scandal, heresy, or contumacy come to the notice of the General Assembly which has not come before any inferior Court having jurisdiction over the party, the Assembly may either remit such case to the inferior Court, or deal with it summarily and dispose of it by the direct exercise of its own authority.

4. The General Assembly annually appoints a Committee of Assessors. A Presbytery which has resolved to conduct a formal inquiry or to prosecute a libel may apply to the Committee for the appointment of assessors. The Committee, if satisfied that it is a case in which assessors ought to be appointed, shall appoint not more than four of its members to act with the Presbytery in the case. Should an appeal or complaint be taken against any finding or deed of the Presbytery, it shall not be competent to appoint more than one of the assessors as a representative of the Presbytery at the bar of the superior Court in connection therewith.

SECTION VII. SUPERVISION AND RESTORATION OF PERSONS UNDER CHURCH CENSURE

1. *Supervision*

1. A person who has been suspended or deposed from office, or who is under suspension from full communion, continues a member of the Position of a Person under Censure.

Church, and ought to give regular attendance on the means of grace.

Supervision
by a Session
of Persons
under Sus-
pension.

2. When an elder or a deacon is suspended from office, or from office and full communion, or when a member is suspended from full communion, the Session shall exercise over him a kindly and helpful supervision, and may appoint one of its members specially to care for and counsel him.

Transfer-
ence to
another
Session.

3. When a person under suspension removes to such a distance from the congregation of which he is a member that he cannot give regular attendance on the means of grace in connection with it, he shall intimate his removal to the Session : and it may, if it deem it desirable, with a view to his continued sessional supervision, give him a special certificate of disjunction, addressed to the Session of the congregation with which he desires to associate himself, so that he may become a member of that congregation under suspension ; and it shall at the same time furnish the Session of that congregation with adequate information as to the case.

Supervision
by a Presby-
tery of a
Minister or
probationer
under Sus-
pension.

4. When a minister or probationer is suspended from office, or from office and full communion, the Presbytery suspending him, or to which his supervision shall have been remitted by the Synod or the General Assembly, shall appoint one or more of its members to exercise over him a kindly and helpful supervision. If the minister suspended is removed from his charge, such Presbytery shall certify him to the Session of the congregation which he intimates his intention of joining, either as a member entitled to the privileges of full communion, or as a member under suspension. His relation to the Session of the said congregation shall be the same as that of an ordinary member of the congregation. The Presbytery shall also appoint two or more of its members, one of whom shall be the minister of the congregation with which he proposes to connect himself, to exercise over him a kindly and helpful supervision.

5. If a minister or probationer under suspension removes beyond the bounds of the Presbytery by which he has been suspended, or to whose supervision he has been remitted under suspension by the Synod or the General Assembly, the Presbytery, on becoming aware of his removal, either by intimation from himself or otherwise, shall, with a view to his continued supervision, forward an extract minute of the deliverance or deliverances in his case to the Presbytery within whose bounds he goes to reside. It shall also give to the minister or probationer a copy of the above extract. Before sending the above minute and furnishing the extract thereof to the minister or probationer, the Presbytery shall communicate with the Session of the congregation with which the said minister or probationer has been connected, and receive a report regarding him. On receiving the extract minute, the Presbytery within whose bounds he goes to reside shall certify him to the Session of the congregation which he intimates his intention of joining, as provided for in par. 4 above, and shall appoint two or more of its members, one of whom shall be the minister of the congregation with which he proposes to connect himself, to exercise over him a kindly and helpful supervision.

A Minister
or proba-
tioner
under Sus-
pension
removing to
the bounds
of another
Presbytery.

2. Restoration

6. Restoration to full communion takes place after the person suspended has given satisfactory evidence of his penitence. In the case of an elder or a member, the power to restore rests with the Session of the congregation with which he is connected ; in the case of a minister or a probationer, with the Presbytery ; unless in case of suspension by a superior Court, in which case the Session or the Presbytery, as the case may be, can restore only if the superior Court has given it authority to do so (see below, par. 18).

The Court
with which
the Power
of Restora-
tion lies.

Restoration to Full Communion does not carry with it Restoration to Office.

Restoration to Office not given if the interests of Religion would be injured thereby.

Restoration of an Elder when suspended from Office for a specified period.

When suspended from Office *sine die*.

When suspended from Office and Full Communion.

7. When an office-bearer has been suspended from full communion he is thereby suspended from office *sine die*, and restoration to the privilege of full communion does not carry with it restoration to office.

8. If suspension from office has been *sine die*, restoration to office is not given, however satisfactory may be the evidence of penitence, unless it be obvious that the general interests of religion will not be injured by this step.

9. When an elder has been suspended from office for a specified period, but not from full communion, he shall present himself at the expiry of that period to the Session under whose supervision he is, and if it is satisfied that the ends of discipline have been attained, it removes his suspension ; and if it be the Session of the congregation of which he was a member at the time of suspension, it restores him also, after due admonition, to the exercise of his office.

10. When an elder has been suspended from office *sine die*, the Session under whose supervision he is, shall, on application made by him for restoration, consider his case, and if satisfied that the ends of discipline have been attained, it removes his suspension. If it be the Session of the congregation of which he was a member at the time of suspension, it may at the same time, if persuaded that it will be for the edification of the Church, restore him to the exercise of his office.

11. When an elder has been suspended from office and from full communion, and the Session agrees to restore him to the privilege of full communion, it at the same time considers whether the suspension from office ought to be removed. If either then or at any subsequent time it considers that this ought to be done, it removes the suspension from office ; and if it be the Session of the congregation of which he was a member at the time of suspension, it may at the same time, if persuaded that it will be for the edification of the Church, restore him to the exercise of his office.

12. When a minister has been suspended from office for a specified period, without having been removed from his charge, he shall present himself at the expiry thereof to the Presbytery, and if it is satisfied that the ends of discipline have been attained, it removes his suspension, and restores him to the exercise of all his official duties.

Restoration
of a
Minister
when sus-
pended from
Office for a
specified
period.

13. When a minister has been suspended from office for a specified period, and has at the same time been removed from his charge, or when a probationer has been suspended from office for a specified period, he shall present himself at the expiry of that period to the Presbytery which suspended him, or to whose supervision he has been remitted by the Synod or the General Assembly, and if a satisfactory report regarding him has been received from those under whose supervision he was placed, it may remove his suspension, if in view of all the circumstances it judges it advisable.

When sus-
pended from
Office for a
specified
period and
removed
from his
Charge.

14. An application for removal of suspension by a minister or probationer who has been suspended from office *sine die* must be disposed of by the Presbytery that suspended him. If he has been under the supervision of another Presbytery, a report from that Presbytery is required. Should the Presbytery which suspended him, after careful consideration of all the facts, be satisfied that the ends of discipline have been attained, it removes the suspension.

Application
for Removal
of the Sus-
pension :
how dealt
with.

15. When a minister has been suspended from full communion, the Presbytery which suspended him may restore him to the privilege of full communion on being satisfied of his penitence.

Restoration
to Full Com-
munion.

16. When an office-bearer who has been suspended from office for a specified period presents himself at the expiry thereof to the Court which suspended him, if the Court is not satisfied that the ends of discipline have been attained, it may either continue the suspension for a further specified period, at the expiry of which he again presents himself to the Court, and so from time

Removal of
Suspension
from Office
for a
specified
period does
not neces-
sarily take
place at the
expiry
thereof.

to time so long as the Court shall continue the suspension for specified periods; or the Court may, at the expiry of either the original or any subsequent period of suspension, in place of continuing the suspension for a specified period, continue it generally. When continued generally it becomes suspension *sine die*, and in the case of a minister is accompanied with removal from his charge.

Application
for Restora-
tion to Office
may be
referred.

An inferior
Court can-
not remove
the Censure
appointed
by a superior
Court unless
authorised
to do so.

Restoration
in the case
of Deposi-
tion from
Office.

Restoration
of Persons
who refuse
Submission
to Dis-
cipline.

17. In special circumstances application for restoration to office may be referred by the Court which pronounced sentence to the next higher Court.

18. In no case in which suspension has been appointed by a Court superior to the one exercising supervision over the person under discipline, can the latter Court remove the suspension or restore the person to full communion or to office, unless the superior Court has authorised the inferior Court to do so. If the superior Court has not done this, and if the Court supervising the person under discipline considers that he should be restored, it shall report the circumstances and its opinion to the superior Court which appointed the suspension, in order to that Court disposing of the matter.

19. In the case of deposition from the office of the ministry, restoration to status can take place only by authority of the Supreme Court: and in the case of deposition from the office of the eldership, it can take place only by authority of the Presbytery, or if the deposition was by a superior Court, then by authority of that Court.

20. Fugitives from discipline are not to be received back into the fellowship of the Church until they submit themselves to discipline, and acknowledge the additional offence of which they have been guilty.

CHAPTER VIII

PROCEDURE

SECTION I. PETITIONS AND MEMORIALS

1. A *Petition* contains a definite crave for Definitions. some right, privilege, or redress, to which the petitioner or petitioners claim to be entitled, or which they ask to have granted ; and its presentation brings those signing it as parties to the bar of the Court. All documents essential to the case should accompany the petition.

A *Memorial* is an expression of opinion, or of desire for action, on any matter of general interest to the Church. Its presentation does not constitute the memorialists parties who have a right, as such, to be heard at the bar ; but they may ask to be heard in support of it.

It belongs to the Court, subject to appeal, to decide in which class any paper presented to it is to be placed.

2. A congregation at a regularly constituted congregational meeting, or any member or members of a congregation as individuals, have right of access to the Session by petition or memorial on any subject with which the Session can competently deal. They have also the right of access by petition or memorial to the Presbytery, Synod, and General Assembly. Such petition or memorial must be submitted, with all relative documents, to the Session, with a request that it be forwarded through the proper channel to the Court to which it is addressed.

3. Sessions have the right of approaching the Presbytery by petition or memorial, and through it the Synod and General Assembly. Members of Presbytery. Sessions and Members of Presbytery.

Assembly through the Presbytery. Presbyteries have direct access by petition or memorial to the Synod, or to the General Assembly in the event of there being no meeting of the Synod before the meeting of the General Assembly.

Ministers.

4. Ministers may ask the advice of the Presbytery in any matter connected with their office or work.

Transmission of papers by inferior Courts.

5. Transmission of a petition or memorial does not imply approval of its object, or concurrence in it; but it is the duty of the inferior Courts, before transmitting petitions or memorials, to secure that they are regular in form and expressed in respectful terms.

6. A Session or Presbytery may transmit a petition or memorial either *simpliciter*, or with recommendation, or *cum notâ*; or it may adopt and transmit it as its own; or it may, if it see cause, refuse to transmit. If it refuse to transmit a petition the petitioner is entitled to protest and appeal, and thus bring the matter before the superior Court.

Accompanying Documents.

7. All documents referred to in a petition or memorial must be laid along with it on the table of the Court, and also, in the case of petitions and memorials transmitted through an inferior Court, a duly certified extract of the resolution to transmit, in accordance with the Standing Orders of the General Assembly.

Procedure with Petitions.

8. When it has been ascertained that a petition has come regularly before the Court to which it is addressed, the petition is read with relative documents (unless printed by authority of the Court, and in the hands of members), and the Court must satisfy itself that it has before it all parties having an interest in the cause. After all parties have been heard, questions may be put to the parties, through the moderator, by members of Court. The Court then proceeds to deliberate, with the view of giving judgment.

9. If the petitioners, when called, fail to appear without reasonable excuse given for absence, the Court dismisses the petition.

SECTION II. OVERTURES

1. An *Overture* is a proposal representing the Definition. desirableness of a change in the existing rules or arrangements, or in the administration of the Church, or of some competent course of action. An overture may be originated by a Presbytery, by a Provincial Synod, by members of the Assembly, or by the Assembly itself.

Overtures to a Synod or to the General Assembly

2. An overture may be transmitted by a Presbytery to the Synod or the General Assembly ; Who may or by a Synod to the General Assembly. Such overtures must be in the form of extract minutes. (For Form see Appendix VI. to *Manual*, page 277.) Members of the House may also overture the General Assembly during its sittings ; the overture in this case, as in other cases, being submitted to the Committee on Overtures with a view to its being brought before the House.

3. A Session may memorialise a Presbytery on any matter, requesting the Presbytery to bring it before the Synod or the Assembly by overture. A congregation or individual members of a congregation may prepare such a memorial and submit it to the Session for transmission to the Presbytery. But an overture can be transmitted by a Presbytery only as from itself.

4. When a Presbytery resolves to transmit an overture to the Synod, it appoints one or more of its members to support it if required. When it resolves to transmit an overture to the General Assembly, it appoints one or more of its Commissioners to the Assembly to that duty.

Overtures sent down by the General Assembly

5. Overtures containing proposals for the enactment of what are to be 'binding rules and constitutions' of the Church, or for the alteration

of such rules and constitutions, or for alterations in the doctrine, worship, discipline, or government of the Church, are dealt with under Act IX. of Assembly 1697, commonly called the 'Barrier Act.' By that Act the rule has been fixed that no Acts can be passed by the Assembly, so as to be binding rules and constitutions for the Church, until they have first been passed by the Assembly as overtures, and transmitted in that form to the several Presbyteries for their opinion, and the consent of a majority of Presbyteries has been obtained. (For the Act see *Manual of Practice*, page 177.) Unless expressly directed by the Assembly, overtures sent down to Presbyteries are not transmitted to foreign Presbyteries.

Returns by
Presbyteries.

6. A Presbytery ought by agreement, or by notice of motion thereanent, to fix the time for considering any overtury so transmitted by the General Assembly; and in giving its opinion should either approve *simpliciter* or disapprove. Approval subject to alteration is held as disapproval of the overtury as sent down. A form of return is issued by the clerks of Assembly with each overtury on which Presbyteries may enter any suggestions they desire to offer in the event of the reconsideration of the overtury by a subsequent Assembly. Returns to overtures must be in the hands of the clerks of Assembly not later than the *first* day of May in each year. (See Chap. IV., Sect. III., Div. III. 11, page 96.)

Procedure
if majority
of Presby-
teries do not
approve.

7. If it shall appear that a majority of the Presbyteries have not approved *simpliciter* of any overtury so transmitted, the Assembly cannot pass it into a binding law; but must either pass from the subject, or retransmit the overtury either in the same form as before, or with alterations, for the opinion of the several Presbyteries.

Procedure
if majority
approve.

When it appears that a majority of Presbyteries have approved *simpliciter* of any overtury transmitted, the General Assembly may, if it see fit, pass that overtury into a standing law of the Church.

8. When an overture is transmitted to Presbyteries under the Barrier Act, they are required to give Sessions within their bounds an opportunity of reporting their opinion thereon ; and the returns from Sessions shall be tabulated by the Presbytery clerks, and reported to the General Assembly.

Sessions to
be con-
sulted.

9. If the object of an overture transmitted to Presbyteries under the Barrier Act appear to the General Assembly to be of urgent practical importance, it is competent to the Assembly, while transmitting the overture to Presbyteries, at the same time to pass it into an *Interim Act.* which shall be in force only until the meeting of the next General Assembly.

Interim Act.

10. The General Assembly may remit proposals on any subject of legislation or administration to Presbyteries for their opinion apart from the Barrier Act. Under such a remit the Presbyteries may either approve or disapprove of the proposal *simpliciter*, or may approve of it subject to alteration or qualification ; and the returns from Presbyteries shall be classified and laid before the General Assembly. The Assembly shall not pass any proposal affecting the constitution of the Church into a standing law upon such a remit and the returns thereto.

Proposals
referred
apart from
Barrier Act.

11. The foregoing rules as to overtures do not prejudice nor affect the right of the General Assembly to pass Declaratory Acts, declaring what the Assembly understands the law of the Church to be.

Declaratory
Acts.

SECTION III. REFERENCES

1. In causes of difficulty or importance an inferior Court may make a reference to a superior Court either for advice or *simpliciter*. A reference is not to be made without good reason, and not until the inferior Court has travelled in the cause as far as practicable. A reference is made to the next higher Court ; but in the case of a reference by a Presbytery, if there be a

Circum-
stances in
which
reference
may be
made.

Commiss-
sioners.

Reference
for Advice.

Reference
simpliciter.

Disposal of
References
by Higher
Court.

Appeal from
decision of
Lower
Court.

Protest and
Appeal.

meeting of the General Assembly before the next meeting of the Provincial Synod, the reference may be made to the General Assembly direct.

2. The Court making the reference appoints two commissioners to state the reasons of the reference, and to explain the matter referred.

3. When the reference is for advice, the particular point on which advice is requested is distinctly stated in the reference, and the procedure of the inferior Court, so far as it concerns the point in question, or anything dependent upon it, is sisted until the advice is obtained.

4. When the reference is *simpliciter*, all the papers in the cause must be transmitted to the superior Court, with an extract of the deed of reference. All the parties are cited, by personal intimation or timely notice sent to them, to appeal before that Court for their interest.

5. If the Court deems the reasons stated for the reference sufficient, the reference is sustained, and the Court proceeds to deal with the cause, and hears the commissioners on its merits. If the reference is not sustained, the cause is sent back to the inferior Court with instructions, or the superior Court may dispose of it otherwise as it deems proper.

SECTION IV. APPEALS AND COMPLAINTS

1. When a party in any cause before a Session, Presbytery, or Provincial Synod feels aggrieved by the decision that is arrived at, he is entitled to bring it under the review of the next higher Court. If he does not avail himself of this opportunity, he is held as submitting to and acquiescing in the decision, as regards both the merits of the cause and the regularity of the procedure. It is the duty of the Court to explain procedure to parties. (See Chap. VII., Sect. II. 25, page 131.)

2. In order to secure the right of appeal, the party, on the decision being announced, must protest and appeal to the superior Court, for reasons given in, or promised to be given in, in

due time, and crave extracts. The appellant must be careful to see that this is recorded in the minutes.

3. If a member of an inferior Court who has voted in a cause is dissatisfied with the decision arrived at, and wishes to bring said decision under the review of the superior Court, he *dissents and complains*, for reasons given in, or promised to be given in, in due time, and craves extracts. The complainer must be careful to see that this is recorded in the minutes.

4. Unless where otherwise expressly provided, a protest and appeal, or dissent and complaint, consists procedure in the Court in which it is taken, and the sentence or decision appealed or complained against is not to be acted on until the appeal or complaint is determined by the superior Court.

5. An appeal or complaint against a decision on a part of the cause, or on a point of procedure, does not prevent the Court from proceeding with the cause and ripening it to a final judgment. If no appeal or complaint is taken against the final judgment, all appeals and complaints taken during the proceedings in a cause fall.

6. No sentence can be carried out until all the appeals and complaints taken in the course of procedure are finally disposed of. The lower Court, however, may make such *interim* orders and regulations until the cause is finally disposed of, as the good order, discipline, or welfare of the Church, or of parties concerned, may in the circumstances appear to require.

Lower Court
may make
Interim
orders.

7. When a party protests and appeals, or a member of Court dissents and complains, reasons in support of the appeal or complaint, if not given in at the time, are to be lodged with the clerk within ten days, unless longer time has been allowed. When this is not done, the appeal or complaint is held as fallen from.

8. When a decision is brought under review, the Court appoints a committee of its members to prepare answers to the reasons lodged, and to

Reasons of
Protest.

Answers to
Reasons.

defend the decision before the superior Court. The answers as so prepared are submitted to and adjusted by the Court, by whom they are then approved and adopted. The Court may, if it thinks fit, assign to the committee the duty of adjusting the answers as the answers of the Court, and in this case the answers shall be prepared and adjusted within ten days after the expiry of the time for lodging the reasons of appeal or complaint. In every case a copy of the answers shall be sent to the appellant or complainant within three days after being adopted by the Court, or adjusted by its committee. The reasons and answers are transmitted to the superior Court by the clerk along with the extract minutes and all other papers belonging to the cause.

Parties in a Cause.

Cause taken direct from a Presbytery to the Assembly.

9. All the parties in a cause thus carried to a superior Court are carried along with it, and intimation to that effect is made to them by the moderator that they may appear for their interest: in the event of their being absent, official notice is sent to them by the clerk.

10. When an appeal or complaint is taken against a finding of a Presbytery between the time of the spring meeting of the Synod and the meeting of the General Assembly, or so shortly before the meeting of Synod that reasons of appeal or complaint have not been lodged, or the Court has had no opportunity of preparing answers, the case is taken direct from the Presbytery to the General Assembly.

11. If a party fail to appear in support of his appeal or complaint, the appeal or complaint shall be held as departed from and the judgment appealed or complained against shall become final; unless a sufficient excuse for his absence be given, or good cause for a contrary decision be afterwards shown.

12. The right of members present at a congregational meeting to bring the decisions and resolutions adopted under the review of the Presbytery is provided in Chap. III., Sect. II.

A7 and B14, pages 40, 42; and the right of a party who is dissatisfied with the decision of an inferior Court to bring the decision under the review of the next higher Court is provided in Chap. VIII., Sect. iv. 1, page 156. These are the only remedies open to parties aggrieved by a decision of a congregational meeting, a Session, a Presbytery, or a Synod. The decision of the General Assembly, as the highest and ultimate court of review, is final, and terminates the case. Recourse to a civil court for reduction, restraint, review, alteration, or control of the procedure in any of the Courts of the Church, or of their decisions, being outwith the rights of any member or office-bearer of the Church, any member or office-bearer so having recourse to a civil court thereby subjects himself to discipline and censure by the Church Courts. Such application, especially if persisted in, shall warrant exclusion from the fellowship of the Church, and in the case of an office-bearer, deposition also from office.

Remedies open to Parties aggrieved by a Decision of a Congregation, a Session, or a Presbytery.

Recourse to Civil Courts excluded.

SECTION V. ORDER OF PROCEDURE

1. When a petition is from an individual member of the Church, the Court hears him in support of it. When a petition or an overture is from an inferior Court, or from a body of petitioners, the Court hears not more than two of their number or commissioners. When there are several petitions or overtures on the same subject, the Court may require the petitioners or commissioners to select not more than two of their number to represent the whole. The same rule obtains in the case of memorialists, when the memorialists ask, and are allowed, to be heard. Except in the case of those appearing in support of an overture who are members of the Court, representatives are heard at the bar.

Hearing of Parties.

2. When the Court enters upon a cause parties are called. If the petitioners or memorialists fail to appear, when called, without reasonable excuse for absence, the Court may refuse to

Failure of Parties to appear.

Questions
to Parties
and
Delibera-
tion.

Procedure
in Refer-
ences and
Appeals.

Appearance
or non-
Appearance
of Parties.

Reading of
the Docu-
ments.

Hearing of
Parties in a
Reference.
Questions.

proceed with the cause, and may dismiss the petition or memorial.

3. After petitioners or memorialists have been heard, and any other party whom the Court may judge to have an interest in the cause, questions may be put to the parties through the moderator by members of the Court. Parties having been removed, the Court then proceeds to deliberate with the view of giving judgment.

4. In cases of reference, protest and appeal, or dissent and complaint, the following is the order of procedure :—

- (a) When the higher Court enters upon the cause parties are called, and the names of the parties who severally appear are minuted. If the commissioners from the lower Court or the appellant or complainant fail to appear when called, without reasonable excuse given for absence, the Court may dismiss the reference, or the protest and appeal, or dissent and complaint, either at this stage or after the papers are read ; or may proceed to consider and dispose of the cause in the absence of the party or parties failing to appear.
- (b) The clerk of the Court then reads the documents that have been transmitted in the case. In appeals and complaints the order in which they are read is :— (*First*) The sentence or decision appealed or complained against ; (*Second*) The reasons and answers ; and (*Third*) The whole record of the proceedings in the lower Court. If the papers as transmitted have been printed and circulated amongst the members of the higher Court, the reading may be dispensed with.
- (c) In a reference the commissioners from the lower Court state the reference. Questions may then be put to the parties by members of the Court through the

moderator. The reference brings up all the parties in the cause, and if there is an appeal or complaint against the reference the procedure is regulated by rule (f).

- (d) The Court either sustains the reference or dismisses it. If the Court sustains the reference the lower Court ceases to be a party, and its commissioners leave the bar; and if they are members of the higher Court they are entitled to speak and vote on the cause when taken up on the merits.
- (e) If the reference is sustained, the Court Higher proceeds to enter upon the merits of the cause, and the parties are heard.
- (f) In cases of appeal or complaint the appellants or complainants are first heard. If there is both an appeal and a complaint, the appellant is heard first and then the complainant. After the appellants or complainants are heard the representatives of the lower Court are heard, and then any other parties having an interest. The appellants or complainants then reply. Parties must confine themselves in their arguments to the points to which the appeal or complaint refers, as set forth in the record.
- (g) After parties have been fully heard, Questions. questions allowed by the Court may be put to them through the moderator, with the view of bringing out any further information that has a bearing upon the cause. When questions are addressed to one party, the other party are asked how far they concur in the answers given. These questions and answers may be entered on the record, if the Court see cause. (See Chap. VII., Sect. IV. 28, page 142.)
- (h) Parties are then declared to be removed, Deliberation and the Court proceeds to deliberate on by Court.

the cause with the view of giving judgment. An appeal or complaint prevents the members of the Court whose decision is brought under review from deliberating and voting upon the cause in the superior Courts.

Disposal of Appeal.

- (i) An appeal or complaint is either dismissed as being ill founded, or sustained as being well founded. If it is dismissed, the judgment of the inferior Court stands. If it is sustained, the judgment of the inferior Court is not necessarily reversed, but may be altered either partially or wholly, or the cause may be remitted to the inferior Court with instructions, or such other findings or orders may be made as are suitable in the circumstances. It is competent to the Court of Review, when circumstances appear to require it, to waive consideration of a complaint or appeal on the merits, and, without sustaining or dismissing it, to give such decision in the original cause as the interests of truth and justice appear to require.

Case may be remitted to Committee.

5. In all cases of references, appeals, and complaints, the Court may, after the papers have been read, or, where they have been printed and circulated, after parties are called, or at any subsequent stage, send the cause to a committee, who shall travel in it, and prepare a deliverance, which it shall recommend the Court to adopt.

Procedure before Committee.

6. When a cause has been sent to a committee, the committee shall be guided in its procedure by the preceding rules applying to the action of the Court. When a finding has been arrived at, the committee shall endeavour to secure that parties acquiesce in it. If parties refuse to acquiesce, they may appear before the Court and state this, when the report of the committee is presented. The Court either then enters upon the cause, or arranges for a time at which it shall be taken up.

SECTION VI. DISSENTS WITHOUT COMPLAINT

1. When a cause has been concluded, the minute adjusted, and the decision arrived at announced by the moderator, it is competent for any member who has voted to enter his dissent for himself and for those who may adhere to it, either *simpliciter*, or for reasons then given in, or to be afterwards given in; but in judicial causes dissent *simpliciter* only is allowed in the Supreme Court. A member proposing a motion which, having failed to find a seconder, has not been put against the motion adopted, has the right of dissent.

2. When reasons of dissent have been tendered, the Court receives them, if they are respectfully worded. If reasons are given in along with the dissent, or in the case of the General Assembly before the close of next sederunt, they are recorded in the minute along with it. If given in afterwards the Court may either keep them *in retentis*, or may, if it sees fit, order them to be recorded. It may also appoint a committee to answer them.

3. A member who, during the decision of a cause, has been absent with a sustained excuse, or has been attending either a meeting of a committee of the Court or a meeting of an inferior Court, such meeting being held with the leave of the Court before which the cause is depending, may afterwards have his dissent from the decision of the Court recorded.

4. When a member of a Court is dissatisfied with any resolution framed by the Court in committee of the whole house, he is allowed to enter his dissent after the Court has resumed and the resolution has been reported and approved.

5. A dissent without complaint from the decision of an inferior Court does not give the dissentient a right to be heard, if the cause should afterwards come up before the superior Court by appeal or complaint.

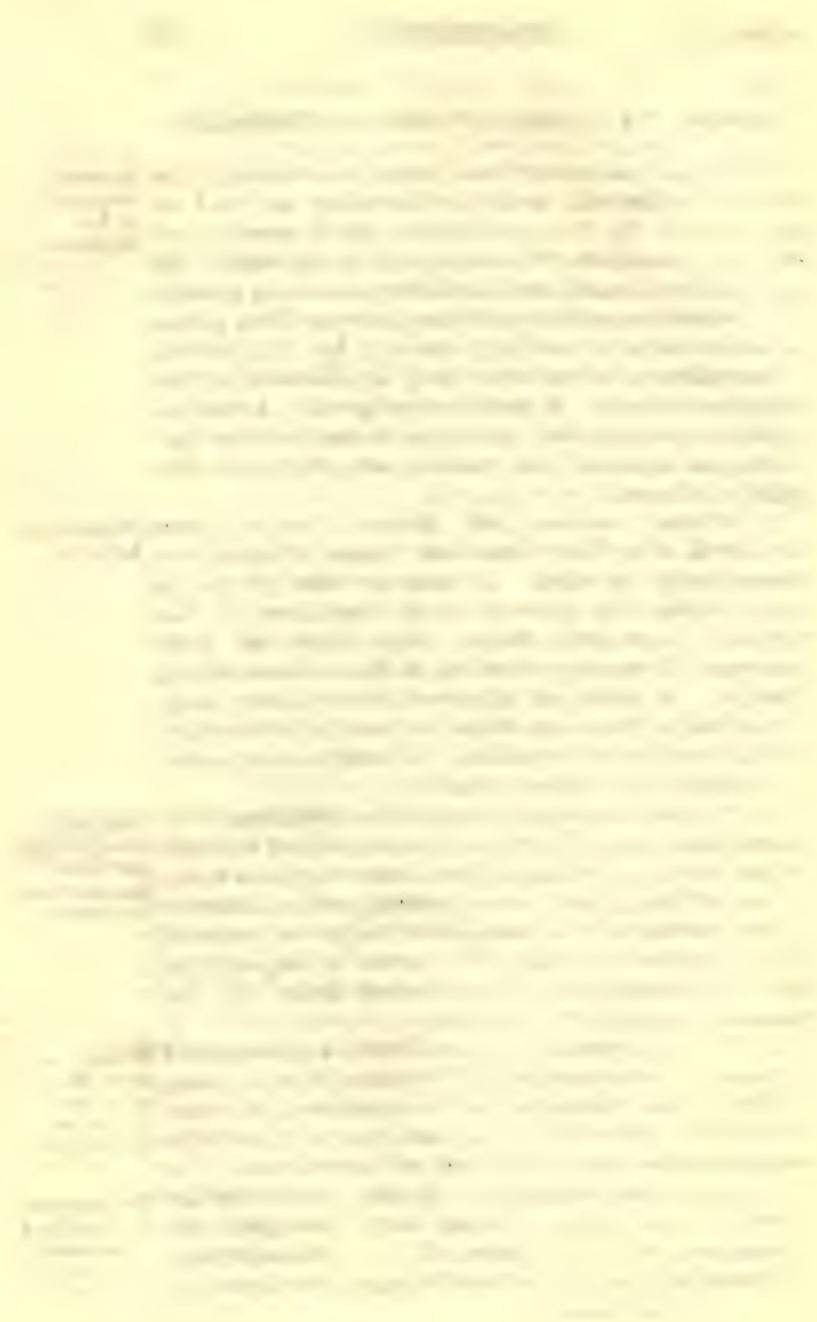
Dissent
simpli writer
or for
Reasons.

Disposal of
Reasons.

Member
absent with-
out excuse
has no right
to dissent.

Dissent
from Re-
solution of
Court in
Committee.

Dissentient
not entitled
to be heard
in appeal.



APPENDIX

NOTE

The first part of the following Appendix (pp. 167-205) embodies the gist of important Acts of Assembly, most of which have been passed since the publication of the *Manual of Practice and Procedure* in 1905.

I

ACTS OF THE GENERAL ASSEMBLY

I. ACT ANENT ASSEMBLY EXPENSES

(*Act IV. of Class II., Assembly 1902*)

The Assembly resolve as follows :—

1. That there shall be a uniform practice of Assembly Expenses. assessment throughout the whole Church ;

2. That a portion of the expenses shall be levied on Committees having funds, the Sustentation Fund bearing one-third of the sum so levied, and the other funds being charged in proportion to the contributions received by them from congregations as shown in the Public Accounts of the year immediately preceding. Further, that the sum levied on Committees shall be fixed at the discretion of the Assembly Arrangements Committee as necessity requires ; the normal sum being £900 ;

3. That the rate of assessment shall be increased in proportion to the income of the congregations ; and

4. That Assembly expenses shall be assessed on congregations on the basis of sums entered in the column ‘ Ordinary Congregational Fund ’ in the Public Accounts of the year immediately preceding, and according to the following scale :—

Under £50	.	.	.	£0	5	0
£50 and under £100	.	.	.	0	10	0
100 ,,, 200	.	.	.	1	0	0
200 ,,, 250	.	.	.	1	10	0
250 ,,, 300	.	.	.	2	0	0
300 ,,, 400	.	.	.	3	0	0
400 ,,, 500	.	.	.	4	0	0
500 ,,, 600	.	.	.	5	0	0
600 ,,, 700	.	.	.	6	0	0
700 ,,, 800	.	.	.	7	0	0
800 ,,, 900	.	.	.	8	0	0
900 ,,, 1000	.	.	.	9	0	0
1000 and over	10	0	0

II. ACT ANENT SCHEDULE OF STATISTICS

(Act III. of Class II., Assembly 1902)

Schedule of Statistics.

The Assembly enact that Schedules of Statistics of Persons and Agencies, in which Congregations are invited to give information as to their Membership, Organisation, Sabbath-schools, Guilds, etc., shall be under the care of the Committee on Statistics, who shall judge of the questions to be asked, and all Committees requiring information from Congregations shall submit the proposed questions to the Committee on Statistics, whose decision as to their insertion or otherwise shall be final.

III. ACT ANENT TIME OF ELECTION OF ELDERS TO PRESBYTERIES AND SYNODS

(Act IV. of Class II., Assembly 1901)

Time of Election of Representative Elders.

The Assembly adopt the following (with the addition of the Acts referred to printed at length) as the Act anent Time of Election of Representative Elders to Presbyteries and Synods :—

Whereas great diversity exists as regards the time at which Sessions elect their representatives to Presbyteries and Synods, and it is desirable that uniformity in this matter should be observed, the Assembly enact that the time at which Representative Elders shall be elected shall be after the close of the meeting of the General Assembly each year ; and that Act IV. 1893, and Act VIII. 1898, of the Free Church, be in other respects observed in the election of Representative Elders.

This Act shall come into force at the close of the Assembly 1902, when all commissions then current shall lapse.

Act IV. 1893, and Act VIII. 1898, are as follows :—

Act IV. 1893

Edinburgh, 29th May 1893. : Sess. 17.

THE General Assembly, with consent of a majority of Presbyteries, enact and ordain—

Time of
Election of
Representative Elders.

That the Commissions of Elders to Presbyteries and Synods shall run for twelve months (instead of six as at present), from the close of the first Synod in each year, and that the Representative Elders shall continue to act as members of Presbytery and Synod until their successors are elected, and the election duly notified to the Clerk of Presbytery.

That if a Kirk-Session fails to elect a Representative Elder, and duly to notify the election to the Presbytery Clerk prior to or at the first ordinary meeting of Presbytery after the meeting of Synod at which commissions should lapse, the Clerk of Presbytery shall thereupon require such Kirk-Session forthwith to make the necessary election. Further, that Kirk-Sessions may, if they see fit, elect as their Representative Elder any Free Church Elder resident within the bounds, who is not otherwise a member of any Presbytery.

That in those Presbyteries in which Professors are members in virtue of their office, such Presbyteries shall, at the first ordinary meeting after the first Synod in each year, elect an Elder not otherwise a member of Presbytery, and not a Minister, from any Kirk-Session within the bounds for each Professor, and the commissions of such Elders shall be in all respects similar to those of other Representative Elders.

Act VIII. 1898

Edinburgh, 28th May 1898. Sess. 17.

THE Assembly adopt the following Declaratory Act :—

Whereas doubts have arisen as to the effect on previous legislation of Act IV. of Assembly

1893, ancient Representative Elders in Presbyteries and Synods, the General Assembly, for the removal of such doubts, declare as follows—

1. That Kirk-Sessions, after the close of the spring meeting of Synod in each year, are required to elect an Elder to represent them in the Presbytery and Synod for the year then begun to run; and that this election must be made within two months from the close of the said meeting of Synod, beyond which time the previous representative cannot continue to sit.
2. That, in case of the death, demission, or disqualification of their Representative Elder, a Kirk-Session may elect another to supply his place within a month thereafter.
3. That it is incumbent on Presbytery Clerks to take care, so far as possible, that Kirk-Sessions within the bounds are kept informed of their duty and privilege in these respects, and of the time when the duty ought to be discharged.

Note.—See pages 43, 44.

IV. ACT ANENT COLLECTING BOOKS

(*Act V. of Class II., Assembly 1903*)

Collecting Books.

1. No one shall be recognised as entitled to collect outside the congregation with which he is connected for Church, Manse, Hall, Debt, or other local object, unless he has the written authority of the Presbytery of the bounds, and presents a Collecting Book supplied by the Presbytery Clerk. The whole details of the case shall, in the first instance, be submitted to the Presbytery of the bounds for its examination, and the deliverance of the Presbytery approving shall be embodied in the Circular appealing for subscriptions, and prefixed to the Collecting Book used.

2. All Contributions received personally or in answer to letters or circulars are to be entered in the Collecting Book. Letters or circulars applying for contributions ought to refer to the Book

by its authority and date, and undertake that all sums received shall be duly entered in it.

3. The Collecting Book (along with a written statement of receipts and disbursements, signed by the Moderator and Treasurer of the Congregation) shall be returned to the Presbytery Clerk within twelve months from the date of issue, and after due examination an abstract of said statement shall be engrossed in the Presbytery Minutes.

4. If the purpose for which Contributions are to be asked from the Church generally be the erection of new Church or Manse, or alterations or repairs on Church or Manse, the Presbytery shall not issue a deliverance authorising an appeal for subscriptions until it has received intimation from the Church and Manse Building Committee that it has approved of the Plans and Estimates and of the amount raised locally, and has granted leave to proceed. The deliverance of the Presbytery shall state that the Church and Manse Building Committee has approved. Further, the Presbytery shall report to the Church and Manse Building Committee, immediately after expiry of one year after authorising the issue of the appeal, the total sum raised, with certification that the account of receipts and disbursements has been audited, and the amount received duly applied to the purpose for which it was asked.

5. A second or subsequent Collecting Book shall be obtained and shall be dealt with as in the case of a first Book.

6. In the case of those collecting for any special scheme, Home or Foreign, the above Regulations shall be enforced, with the one difference, that the Assembly's Committee, under whose oversight the Scheme properly falls, shall be required to take the same responsibility as, in regard to local matters, is assigned to Presbyteries and to the Church and Manse Building Committee.

V. ACT ANENT MODERATION IN CALLS

(Act III. of Class II., Assembly 1905)

THE Assembly enact and ordain :—

Moderation
in Calls.

That the present method of procedure, as described in the 'Plan of Union,' and more fully detailed in the *Manual of Practice and Procedure*, be retained, wherever Presbyteries prefer to follow that method; but that Presbyteries be at liberty, where they think proper, to authorise the moderator in the vacancy to moderate in a call, subject to the following rules :—

1. When an election of a minister to a vacant charge has taken place, and is unanimous, the moderator in the vacancy shall, provided the financial arrangements have been approved in terms of Chap. IV., Sect. III., Div. i., paragraph 13 (page 61), forthwith proceed to moderate in a call to the minister or probationer elected. The congregation shall appoint commissioners to support the call before the Presbytery. When a minority acquiesces in the choice of the majority, the election shall be held to be unanimous.
2. After the call has been signed by the members present, and the paper of concurrence by the adherents, the moderator shall attest the signatures, and leave these documents in the hands of the Session to have other signatures exhibited, as provided for in Chap. IV., Sect. III., Div. i., paragraph 29 (page 67).
3. The moderator shall lay the call and relative documents on the table of the Presbytery at its first ordinary meeting, or at a special meeting called for the purpose, in order that the Presbytery may consider the question of sustaining it. These documents must include the minute of the congregational meeting.

4. In all other cases the moderator shall not moderate in a call, but shall report the election to the Presbytery. Further procedure shall in that case be according to the present rules for moderation by the Presbytery.

The authority to moderate in a call may be given at the meeting of Presbytery at which the moderator in the vacancy is appointed, or at a subsequent meeting of the Presbytery; and it shall be exercised by him as the delegate of the Presbytery.

Note.—See page 65.

VI. ACTS ANENT MINISTERS *Emeriti*

1. (*Act IV. of Class II., Assembly 1905*)

As regards the Status of Ministers *Emeriti*, Ministers *Emeriti*. the Assembly enact and ordain :—

When a minister on account of old age, infirmity, or sickness is relieved of his pastoral duties, he shall retain his seat and vote in Presbytery and Synod, and have his name enrolled as Minister *Emeritus* of his church. When, for other reasons, a minister is relieved of the work of the pastorate, and the pastoral tie is dissolved, he shall not retain his seat and vote in Presbytery and Synod without the sanction of the General Assembly.

Note.—See page 79.

2. (*Act VII. of Class II., Assembly 1907*)

The Assembly take this occasion to declare that the law adopted by the Assembly of 1905 as regards the *status* of Ministers *Emeriti* applies equally to the case of Professors who have retired from active duties, in as far as regards their relation to their Presbytery.

Note.—See page 79.

VII. ACT ANENT SPIRITUAL INDEPENDENCE OF
THE CHURCH

(*Act I. of Class I., Assembly 1906*)

Spiritual
Independence.

The Overture anent Spiritual Independence sent down by last General Assembly to the Presbyteries of the Church having been approved by the great majority of the Presbyteries of the Church, the Assembly hereby pass the same into a standing law of the Church as follows:—

Whereas the General Assembly judged it necessary in the circumstances of the Church to pass the following Act, and although the principles set forth therein involve no new departure and are not in any sense a constitutional novation, but have been always accepted and maintained by this Church, yet in respect of the importance of making manifest to all that the whole Church explicitly adheres to these principles, the General Assembly deemed it right to send it down as an Overture under the Barrier Act: the General Assembly hereby, with consent of a majority of Presbyteries, declare and enact as follows:—

Considering the situation created by the decisions of the House of Lords on 1st August 1904, in the Cases of *Bannatyne and Others v. Lord Overtoun and Others*, and *Young and Others v. Macalister and Others*, and the grounds on which these decisions were based; considering also the Resolutions relative thereto of the Commission of Assembly at its ordinary Meeting on 10th August 1904, of which Resolutions the Assembly hereby approve; and considering that it is needful to make clear the position in which the United Free Church of Scotland stands in reference to the questions thus raised, the General Assembly resolve and declare as follows:—

1. They assert and protest that those branches of the Church of Christ in Scotland now united in this Church have always claimed, and this

Church continues to claim, that the Church of Christ has under Him as her only Head independent and exclusive jurisdiction and power of legislating in all matters of doctrine, worship, discipline, and government of the Church, including therein the right from time to time to alter, change, add to, or modify, her constitution and laws, Subordinate Standards, and Church Formulas, and to determine and declare what these are.

2. The General Assembly accordingly declare anew and enact that it is a fundamental principle and rule of this Church that, in dependence on the grace of God, recognising the authority of the Word of God, contained in the Scriptures of the Old and New Testaments, as the supreme unchangeable Standard, and looking to the Head of the Church for the promised guidance of the Holy Spirit, this Church has the sole and exclusive right and power from time to time, as duty may require, through her Courts to alter, change, add to, or modify, her constitution and laws, Subordinate Standards, and Formulas, and to determine and declare what these are, and to unite with other Christian Churches ; always in conformity with the Word of God, and also with the safeguards for deliberate action and legislation in such cases provided by the Church herself —of which conformity the Church herself, acting through her Courts, shall be the sole judge—and under a sense of direct responsibility to the ever-living Head of the Church, and of duty towards all the Church's members.

3. The General Assembly also declare and enact that in all the Courts of the Church a decision of the Court given either unanimously, or by a majority of its members present and voting, is the decision of the Court, and the decision of the General Assembly so reached is final. With respect to Acts which are to be binding Rules and Constitutions of the Church, the Assembly shall have regard to the safeguards referred to in the foregoing resolution.

4. The General Assembly further declare that the Church holds her funds and property, present and future, in conformity with these principles ; the Church reserving her right to accept and hold benefactions, subject to specific conditions attached to them by the donor, when and so long as she judges these conditions to be consistent with her liberty and her principles, and to be expedient in the circumstances of the time.

VIII. ACT ANENT ATTESTATION OF COMMUNION ROLLS AND EXAMINATION OF KIRK SESSION AND OTHER RECORDS, ETC.

(Act I. of Class II., Assembly 1908)

Attestation
of Communion
Rolls,
etc.

The Assembly instruct Presbyteries to see that the communion rolls of all congregations shall be attested annually by the Kirk Session, and produced to the Presbytery for attestation by the Presbytery itself, or by a committee or committees appointed for the purpose.

The Assembly also recommend that Kirk Session records should be produced annually for attestation by the Presbytery, and that the records of deacons' courts, committees of management, and boards of management should also be examined and attested annually by the Presbytery.

The Assembly further recommend that the practice of the United Presbyterian Church as regards the auditing of accounts, as provided for in the Model Constitution, should be adopted in the United Free Church, as follows :—

The congregation shall elect annually two members of the congregation as auditors of the accounts, who shall, previous to next annual meeting, examine the treasurer's books and vouchers for the current year, and report thereon to said meeting.

The Assembly call the special attention of

Synods, Presbyteries, Sessions, deacons' courts, and managers to the duty of carefully preserving for future reference all Minute Books, Acts of Assembly, Blue Books, and other volumes under their charge.

Note.—See pages 8, 62, 87, 89.

IX. ADDITION TO ORDAINED PREACHERS ACT

(*Act VII. of Class II., Assembly 1908*)

The Assembly enact that in the case of one who is an ordained minister, who has been in pastoral office, and who, in connection with proposed arrangements for the readjustment of charges, may be appointed to take charge of a congregation for a limited term, without being inducted to the pastorate of that congregation, the General Interests Committee is authorised, when it considers it desirable, to bring the case of such minister before the General Assembly, or its Commission, at any of its stated diets, with a view, if approved, of his being made, during the term of such appointment, a member of the Presbytery within whose bounds he is to serve. Where the minister so appointed is one who, upon resigning his charge, was allowed by the Assembly to retain a seat in his Presbytery, the Assembly, or its Commission, may provide for his being restored to his own Presbytery when such term of special service expires.

Note.—See pages 80, 81.

X. ACT ANENT LEGACIES OR BEQUESTS

(*Act XI. of Class II., Assembly 1908*)

The General Assembly enact and declare that in future if any legacies or bequests are left by testators to the General Trustees of the Church, for behoof of the Church, without any instructions from the testator to hold the same as

Anent
Legacies or
Bequests.

capital, and to apply only the interest or income annually, it is in the power of the General Assembly to give the General Trustees instructions to distribute, not only the income, but also the capital of such legacies or bequests in such way as the General Assembly may order.

XI. ACTS ANENT CHANGE OF THE METHOD OF ADMINISTRATION OF THE TEMPORAL AFFAIRS OF CONGREGATIONS

1. (*Act XII. of Class II., Assembly 1908*)

Anent Ad-
ministration
of Temporal
Affairs.

The Assembly enact that in all applications by congregations for sanctioning the change of the method of administration of a congregation's secular affairs from one to another of the methods recognised by the Church, the titles of the congregation to their heritable properties shall be transmitted along with the application, at least one month before the meeting of the General Assembly; and that all such applications, on being received by the clerks of Assembly, shall be communicated to the law agents of the Church, in order that they may be prepared to advise the Assembly or its Committee in reference to the application.

Note.—See page 36.

2. (*Act II. of Class II., Assembly 1910*)

Anent the
Adoption of
Congregational
Boards.

The Assembly approve the Report of the Assembly Arrangements Committee; and in accordance therewith, in order to facilitate the adoption of congregational boards by congregations, appoint that all petitions for leave to adopt the same shall be sent through the Presbytery to the General Interests Committee, which shall report to the General Assembly.

Note.—See pages 33-37.

**XII. RESOLUTION ANENT MARRIAGE WITH
DECEASED WIFE'S SISTER**

(Sess. 16, Assembly 1909)

The Assembly, in view of the diversity of Marriage with Deceased Wife's Sister. opinion existing in this Church as to whether marriage with a deceased wife's sister is forbidden by the Scripture, and of the fact that such marriages are now legally binding, declare that those entering into such regular marriages are not to be regarded as having thereby forfeited their standing and privileges as Church members; and that while every minister is entitled to refuse to solemnise such marriages, those taking part in solemnising such marriages shall be regarded as at liberty to do so.

**XIII. DISTRIBUTION AND EMPLOYMENT OF
GAELIC-SPEAKING PROBATIONERS**

(Act III. of Class II., Assembly 1910)

The Assembly authorise the Highlands and Islands Committee to take charge of the distribution and employment of Gaelic-speaking Probationers. Distribution and Employment of Gaelic-speaking Probationers.

The Assembly sanction the transference to the Probationers Committee of vacancies as they occur in the Highland field, where the interim moderator, as representing the congregation, reports to the Highlands and Islands Committee that Gaelic is not essential.

In the distribution and employment of Probationers in the Highland area, the regulations adopted by the General Assembly for the guidance of the Probationers Committee shall be applicable.

The Highlands and Islands Committee shall furnish the Probationers Committee with a bi-monthly report, showing the appointments

made to vacancies during the preceding two months, for insertion in the Probationers Committee's lists.

A detailed report shall be remitted by the Highlands and Islands Committee to the Probationers Committee on 15th April of each year as to the vacancies filled up for the year ending 31st March, along with the list of preachers on their roll as at that date.

Note.—See pages 60 and 198.

XIV. INSTRUCTION ANENT INTIMATION OF THE OCCURRENCE OF VACANCIES

Instruction
anent Intim-
ation of the
Occurrence
of Vacancies.

Each successive General Assembly from 1906 onwards has instructed Presbyteries to communicate the occurrence of vacancies within their bounds to the Secretary of the General Interests Committee; and at the same time, in all cases of vacancies where, in the opinion of the Presbytery, a union of congregations or readjustment of agencies is desirable, to appoint a Committee to confer with the General Interests Committee.

XV. ACT ANENT REPRESENTATION OF PRESBYTERIES IN THE GENERAL ASSEMBLY

(*Act I. of Class I., Assembly 1912*)

The number to be elected by a Presbytery shall be determined, not by the number of its sanctioned Congregations and Professorial charges, but by the number of Ministers and Professors on its roll, and the number of Elders elected shall be equal to the number of Ministers and Professors elected. The Act of 1900, as thus amended, shall continue to be the rule for the election by Presbyteries of their Representatives in the General Assembly.

Note.—See page 109.

**XVI. ACT ANENT THE TIME OF LODGING
OBJECTIONS TO THE LICENSING OF STUDENTS**

(*Act X. of Class II., Assembly 1912*)

The Assembly enact, with reference to the Licensing of Students, that the rule requiring objections to be lodged 'before 15th April' be altered to read, 'before the close of the Session.'

Note.—See page 56.

XVII. ACTS ANENT THE CENTRAL FUND

1. (*Act IV. of Class II., Assembly 1907*)

The Assembly now adopt Clauses 1 to 15 as Central Fund forming the completed scheme for the administration of the Central Fund, and resolve that it shall come into operation on 15th May 1908, and supersede the laws and regulations of the Sustentation and Augmentation Funds.

The following is the Scheme:—

1. The Sustentation and Augmentation Funds shall be united, under the name "The Central Fund," as a fund for the maintenance of Gospel Ordinances throughout the land, on the principle that the strong ought to help the weak in a systematic and brotherly manner. The Fund shall be administered by a Committee appointed by the General Assembly.

2. The object of the Fund shall be to secure for all ministers of the Church in full charge an adequate minimum stipend. The minimum aimed at shall be £200 and a manse (or sum equivalent), inclusive of ministerial income from all sources. The sum equivalent to a manse shall be decided by the Presbytery in each case in view of the local circumstances, and shall require the sanction of the Committee.

3. The Fund shall consist of congregational contributions, individual donations, and the income from legacies and invested funds. Payments to stipend up to the dividend from the Central Fund for the year made by congregations

which pay stipend direct to minister shall be regarded as contributions to the Fund, and shall be credited as such.

4. In the management of its finance, every congregation is required to aim primarily at contributing either to the Central Fund or direct to its minister as stipend, a sum equal to what has hitherto been regarded as, apart from surplus, the self-sustaining point, namely, £160. Congregations which have not reached the self-sustaining point are required, after meeting the usual congregational expenses, to apply their ordinary congregational income from collections, seat rents, or other revenue towards reaching self-support.

5. Every self-sustaining congregation is expected to contribute to the Central Fund directly an amount bearing an adequate proportion to its available resources in view of all its obligations.

6. Every congregation shall make due provision, through its Session, Deacons' Court, Managers, or a special Committee, for the fulfilment of its obligation to the Fund by effective organisation affording to the members and adherents periodical opportunities, if possible, monthly or quarterly, of contributing to it, in the manner best calculated, in view of the circumstances of the congregation, to promote the prosperity of the Fund. An approved method in the two Churches now united has been to contribute monthly for the Central Fund and quarterly for Missions; or monthly for Missions and quarterly for the Central Fund.

7. The Assembly's Committee shall give all needful assistance in the formation, maintenance, and effective working of such organisation in every congregation.

8. It shall not be lawful for any congregation drawing more from the Fund than it contributes to supplement its minister's income directly or indirectly, except under authority of the General Assembly, obtained through the Presbytery and

Committee. The Assembly shall fix the limit of supplement, if any, in each case. The Committee shall withhold from any congregation breaking this rule the amount of its excess payment.

NOTE.—It is understood that all expenses for assistance at communion seasons and for pulpit supply shall be charged on ordinary congregational revenue, and be paid by the congregational treasurer.

9. On the occurrence of a vacancy in the pastorate of any congregation, if the circumstances of the congregation, in view of the population in the district, the proximity of another United Free Church congregation, or the membership and rate of contribution per communicant or adherent, appear to the Presbytery or Committee to raise questions as to its continuance, or as to readjustment of agencies in the district, these questions must be considered by the Presbytery and reported on to the Committee before any steps are taken towards filling up the vacancy.

10. The Presbytery, before granting an application for moderation in a call, shall satisfy itself and the Committee that the congregational organisation for the Fund is effective, and that the financial arrangements proposed for the support of the Gospel ministry are adequate to the ability of the congregation. In the case of self-sustaining congregations the Presbytery and Committee shall endeavour to secure that the contribution to the Fund bears a reasonable proportion, in all the circumstances of the congregation, to the amount paid to the minister beyond the standard of self-support.

11. Church Extension congregations applying for sanction as Ministerial Charges shall be required, in ordinary circumstances, to contribute towards the support of their minister at least a sum of £80, if in the country, or £100, if in the larger towns, and they shall be expected

to increase these amounts in proportion as their grants in aid from other funds of the Church decrease.

12. Vacant congregations unable to contribute towards the support of the ministry the minimum expected from Church Extension Charges, but which require the full equipment of an Ordained Ministry, shall be dealt with each on its own merits, and may receive such aid from other funds as shall enable them to maintain their position. No congregation shall be allowed to draw from the Fund more than £100 above its own contribution, apart from surplus.

13. The arrangement as between each congregation and this Fund shall be revised every five years at least, should no vacancy have occurred in the interval. In the event of any failure to adhere to the arrangements agreed upon at moderation or at the last revision, the Committee, in concert with the Presbytery, shall make full inquiry into the circumstances, and shall have power to make such change in the payment from the Fund as the result of its inquiries may warrant.

14. In the arrangements for the distribution of the Fund, provision shall be made conjointly with the Aged and Infirm Ministers' Fund, as soon as that is possible, for securing an adequate retiring allowance to the senior minister, or minister *emeritus*, in a Collegiate charge.

15. Any surplus, after all charges on the Fund have been met, shall be divided equally among those ministers whose ministerial income from all sources is still under, but not so as to raise it beyond £200 and a manse, or sum equivalent.

2. (*Act XVII. of Class II., Assembly 1910*)

Anent
Regulations
of the Sup-
plementary
Central
Fund.

The Assembly adopt the proposed new Regulations as to the purposes for which the annual revenue of the Supplementary Central Fund shall be applicable:—

(1) That grants now given to Church Extension Charges shall be continued, so long as their present position remains unchanged.

(2) That in the case of congregations in the Presbytery of Shetland (as Shetland was specially provided for under the Regulations of the former Supplementary Sustentation Fund),—

(a) Special grants be given to congregations in this Presbytery in so far as that may be necessary to supplement the local congregational contributions in accordance with the requirement of the Central Fund, so as to secure for each minister in charge the Standard Minimum Stipend, with right to share in surplus.

(b) Driving grants, found necessary in order to carry out union of congregations or readjustment of agencies in Shetland, shall be a charge on this Fund.

(3) That driving grants, rendered necessary in cases of unions of congregations and of readjustment of agencies in other parts of the Church, in so far as these are not met by grants from other sources, shall also be a charge on this Fund; no individual grant to exceed £10.

(4) That former Sustentation Fund congregations contributing less than £60, and whose revised Minimum Contributions are, in the judgment of the local Presbytery and Central Fund Committee, in keeping with their congregational resources, be specially considered, and special grants given from year to year, as shall secure to the ministers of these charges, in accordance with the regulations of the Central Fund, the Standard Minimum Stipend, with right to share in surplus; no grant to exceed half the amount required as at 31st December 1909, to bring up their contributions to £60.

(5) That existing Church Extension Charges contributing less than the sanctioned minimum of £100 or £80 a year, including grants from the Home Mission and Highland Committees, be

specially considered, and in cases where the local Presbytery and the Central Fund Committee regard their revised Minimum Contributions as in keeping with their congregational resources, they shall receive such a grant from year to year as may be necessary to bring their contributions up to £100 or £80 as the case may be, so as to secure for these ministers the Standard Minimum Stipend, with right to share in the surplus; but no single grant to exceed £10 without the special sanction of the General Assembly.

(6) That where a special grant towards ministerial income of Junior Colleagues has been allowed, a sum not more than half the special grant so given may be charged against this Fund, provided the available revenue permits of these after meeting the other claims upon it.

XVIII. HOME MISSION AND CHURCH EXTENSION REGULATIONS

(Assemblies 1902, 1907, and 1908)

I.—GENERAL

Home Mission and Church Extension Regulations.

1. All applications for grants must be sent to the Home Mission Committee, through the Presbytery of the bounds, which shall give also its own deliverance upon the case. The Committee shall consider each application on its merits, and communicate its decision upon it to the Presbytery. No grant shall be given until the Committee has found that the conditions for carrying on effective work actually exist.

2. The concurrence of the Home Mission Committee is required before a Presbytery opens any new Station requiring aid, locates a Preacher therein, or petitions the Synod to sanction it as a Charge. The Home Mission Committee can initiate action in this direction only through the Presbytery of the bounds.

3. The Home Mission Committee may open communications with Presbyteries, or Presby-

teries with the Committee, on such matters as the following :—(1) The propriety of planting a new Station or Church in any district where it is needed ; (2) The conducting of occasional Evangelistic Services, initiation of special efforts to deal with the spiritual wants of farm servants, miners, or the non-churchgoing portions of the populations of large towns, etc. ; and (3) The selection of suitable localities, and, after consultation with neighbouring Sessions, the conducting of evangelistic work in them, as circumstances may require.

4. A Home Mission Committee shall be formed in each Presbytery, the Convener to be Home Mission Corresponding Member. It is the duty of this Committee to keep the whole needs of the Presbytery before them : to initiate new efforts where necessary ; to take advantage of every opening to encourage and help the various congregations within the bounds to engage in appropriate aggressive work ; and to arrange where necessary for conference and joint action on the part of brethren. In all growing centres of population the Presbytery shall, from time to time, enquire as to the movement of population, and where necessary readjust the boundaries within which congregations shall bear responsibility for Home Mission work ; and shall encourage and aid the planting of District Sabbath Schools. The Presbytery, through the Convener of their Committee, should ascertain annually from each Session within the bounds what aggressive work has been done by the congregations during the year, and where desirable take measures to stimulate congregations to further work. The information thus obtained, with the Presbytery's judgment thereon, should be sent to the Home Mission Committee ; or, in Highland cases, to the Highland Committee.

5. Presbyteries are expected to foster and encourage Mission Stations within their bounds ; to make an annual visitation of each ; to confer from time to time with the Missionary in regard

to his work ; to take steps for the formation of Sessions, where practicable and expedient ; to commit each Station and district to the special charge of one of the Ministers who, personally, or by substitute, shall, once in three months, visit it, conduct a service, confer with the office-bearers, and consider and advise as to the financial state of the congregation or mission.

6. All who receive grants shall duly fill up and return the Annual Schedules sent by the Committee. Grants are subject to annual revisal, on consideration of the returns received. Brief reports may be asked for during the year, indicating any special features of the work carried on, or signs of blessing upon it.

7. Grants to Stations and Congregational Missions are paid quarterly on a Certificate by the Moderator of the Session in charge that the Missionary has been fully and regularly employed, and that the work has been done satisfactorily.

8. A Joint Sub-Committee of the Central Fund Committee and of the Home Mission and Church Extension Committee shall be appointed, to consider and report on all questions relating to the sanctioning of new charges and the financial arrangements connected therewith ; to watch carefully the working of joint arrangements, and especially of grants subject to gradual decreases, so as to prevent undue lessening of income to the minister through any conflict of interest as between the two funds ; and to consider before the close of any term of years for which special grants are given, whether the congregation should continue to receive such special treatment, or should come under the ordinary working of the Central Fund.

II.—GRANTS

The following is the Scale of Maximum Grants that may be given in normal cases by the Committee, which, however, shall have power to

deal with specially necessitous districts in an exceptional way.

1. *Congregational Missions*.—£25 annually to a Student or Lay Agent, toward a salary of not less than £60 a year. £35 annually to a Probationer Missionary, or to a Probationer as Assistant to Minister for Home Mission Work, toward a salary of not less than £80 a year.

2. *Stations*.—£40 annually, on condition that at least a similar sum is contributed by the Station to Central Fund or to Agent direct.

3. *Grants to ordained preachers or ministers without charge*.—In the cases of congregations reduced or temporarily wrought as Stations, these fall upon the Central Fund: in cases of Stations receiving sanction, but without liberty to have a minister inducted, upon the Home Mission Fund.

4. *Congregations becoming vacant and unable to offer £80 as contribution to Central Fund or to Minister direct*, if situated in districts which require a full ministerial charge, and afford opportunities for Home Mission efforts, may receive aid from the Home Mission or Miners' Fund to bring them up to £80, and so to secure their position on the Central Fund. The annual report of mission work required from congregations receiving grants shall be required in these cases.

5. *Church Extension Charges*.—The Home Mission Committee is authorised to make more liberal grants, but gradually decreasing for a limited number of years, in aid of stipend to Ministers of Church Extension Charges.

6. *Church Extension Charges unable to offer £160 as ministerial income from all sources*, if in mining or industrial districts or in new districts of towns, may receive grants for a fixed term of years from the Home Mission or Miners' Fund sufficient to secure, with the contributions of the congregation from all sources to the Central Fund or to the minister direct, a stipend equal to the standard minimum stipend for the time

being, on condition that all income available for ministerial support above that standard shall go to reduce the grants in aid.

7. *Congregations in poor but populous districts in our large cities requiring special arrangements for overtaking the territorial Home Mission Work called for by the nature of the population, and unable to provide for the minister from all available sources a stipend of £300, may receive by agreement between the two Committees, subject to approval of the Assembly, such aid as may be necessary to supplement up to £300 the contributions of the congregation, income from Bequest Grants, Trust Funds, etc., and aid that may be obtained locally from congregations or individuals. If in any exceptional case further aid than can be given from the Home Mission Fund be required, the Assembly may be asked to authorise a special grant either from some Supplementary Fund or from the Central Fund. The terms of help in each case shall be so arranged as to encourage the congregation to earnest efforts towards self-support, and be subject to revision every five years, and all income available for ministerial support above £300 shall go to reduce the grants in aid.*

8. *Territorial Charges in Large Towns.*—When a Territorial Mission has been erected into a Ministerial Charge by the Synod :—

For the first Three years after Ordination	£100 a year.
For the Fourth year after Or- dination	90 ,,

and decreasing by £10 a year until the tenth year from the date of the ordination of the Minister first settled in such territorial charge, at the close of which year the grant shall cease entirely.

9. *Territorial Charges erected in Edinburgh, Glasgow, Dundee, and Aberdeen.*—Special grants are given to enable congregations to be formed in destitute localities, in which there has not been a Territorial Mission Station having grants from

the Home Mission Committee for more than three years. Exceptions to this limitation may be made in cases where a new church is built, or a new agency satisfactory to the Committee employed. The grant shall only be given in the case of a Minister in a Charge being called who has been approved by the Committee :—

For the first Three years after Induction	£200 a year.
For the Fourth year after In- duction	150 , ,
For the Fifth year after In- duction	120 , ,

and reducing by £20 a year until the tenth year, after which the grant shall cease.

10. In the case of Territorial and Church Extension Charges the grant shall be made toward a definite stipend to be fixed by the Committee according to locality and circumstances of the population, and alike in cases in which contributions to stipend are made through the Central Fund, and cases in which they go to the minister direct, any income coming to the Central Fund or to the minister beyond the stipend fixed shall go to reduce the amount payable from the Home Mission Fund.

In all cases where the stipend is to be largely drawn from the Home Mission Fund as above, the Home Mission Committee shall have a voice in the selection of the minister to be called, and shall inform itself year by year as to the circumstances and work of the congregation, and especially as to its usefulness as a territorial charge, and shall with the co-operation of the Presbytery seek to secure that the congregation is adequately serving the necessities of the district.

III.—CONGREGATIONAL MISSIONS

1. A grant shall only be given to congregations carrying on aggressive work in localities where there is a dense population, and where sufficient

evidence is furnished that a considerable portion of the residents in the district to be wrought are non-churchgoing, and when the Committee is satisfied that, from the circumstances of the congregation, such assistance is needed. The application must be accompanied by a statement of the grounds upon which it is made, and of the work the Missionary is to perform.

2. The Committee must be satisfied that the additional agency shall be devoted to work which cannot be undertaken by the Minister under existing arrangements; and, in the case of a Probationer acting as Missionary Assistant to the Minister, that the congregation secure for him a salary of not less than £80.

3. The Mission shall be carried on under the superintendence of the Session or Missionary Committee of the congregation, within a territory assigned by the Presbytery.

4. The Missionary shall conduct an evangelistic service, at least once every Lord's Day, in a place of meeting within, or conveniently near to, the territory, and, in addition, shall conduct prayer-meetings and Bible-classes and take an active interest in the Sabbath School work. He shall devote at least fifteen hours a week to regular house-to-house visitation, giving special attention to the sick and to those living in neglect of ordinances, seeking to encourage attendance on church services by those connected with the Mission, and to secure the attendance at Sabbath School of the children of the district. He shall, once a quarter, report upon his work to the Session or Missionary Committee, indicating the services held and the visitation done by him, and giving information as to the state of the district and the progress and results of the Mission. (*Note.*—A student missionary shall not be required to devote more than ten hours a week to district visitation during the winter and twelve hours a week in summer.)

5. The Minister and Session shall exercise a superintendence over the Missionary, aid and

encourage him in his work, and procure the services of office-bearers and members of the congregation to assist him. It is desirable that the Missionary should, as often as possible, attend the Meetings of Sabbath Morning Fellowship Association and other Meetings of Christian workers in the congregation, and endeavour to enlist the services of these members for the Mission. The Session is requested to invite the Missionary (if he be a Student or Probationer Assistant for Home Mission Work) to attend their meetings as often as convenient, in order that he may become acquainted with the work of conducting the business of the Church. The Probationer acting as Missionary Assistant shall do everything in his power to strengthen the hands of the Minister, and to build up the Congregation and Mission with which he is for the time identified, and the Minister is expected to do all in his power to form and maintain close bonds between the Congregation and Mission.

6. The appointment of the Missionary Assistant shall lie with the Session, subject to the approval of the Presbytery, which shall report appointments. The Session shall make all needful arrangements for length of engagement, etc., on the clear understanding that the grant from the Home Mission Committee is for one year only, and subject to reconsideration at the expiry of that term. No congregation shall receive a grant for a Missionary Assistant, and at the same time any other grant from the Home Mission Committee.

IV.—MISSION STATION SUPPLIED BY PROBATIONERS

1. Each station is entitled to choose its own Agent, under the direction and control of the Presbytery of the bounds.

2. The Probationer shall conduct two services each Sabbath, where possible, take an interest in the Sabbath Schools connected with the

station, and hold a Bible-class, either on Sabbath or on a week-day evening. He shall on no account leave the Station vacant on a Sabbath, but, if absent, shall have his place supplied to the satisfaction of the Minister in charge.

3. The Probationer shall devote not less than three hours a day during five days each week to household visitation, giving special attention to the sick and infirm and to those living in neglect of ordinances.

4. In rural districts the Probationer shall hold a week-evening prayer-meeting in such localities as may be found most suitable for gathering together neighbouring families ; and in towns or large villages in the church or hall.

5. A Probationer's first term of engagement shall be only six months (except where Ferguson Bequest Grant is received). It may be continued by the Presbytery for other six months ; and thereafter by the Committee, at the desire of the congregation, concurred in by the Presbytery, for a second year and a third ; but on no account shall the services of a Missionary be continued beyond three years in the same station, except on a special representation through the Presbytery of the bounds that such continuance is important for the interests of the Mission.

V.—TERRITORIAL OPERATIONS IN LARGE TOWNS WHERE THE ERECTION OF A NEW CHARGE IS CONTEMPLATED

1. The certificate of the Presbytery of the bounds shall be required as to the spiritual wants and the suitableness for evangelistic work of any district before any assistance be given by the Committee towards the gathering and organising of a congregation therein ; and the limits of such district shall be defined and determined by the Presbytery of the bounds.

2. In every case where it is possible to obtain such, the countenance and co-operation of one

or more of the existing congregations in the town in which the district is situated shall be secured in its behalf, in order to its being supplied with a sufficient number of visitors and Sabbath School teachers, and in order to the advancement generally of its religious interests ; and in any instance where it is found impossible to obtain such co-operation, and where territorial operations seem urgently called for, a Committee shall be formed of persons taking an interest in the district, who shall communicate directly with this Committee, and shall use all the means in their power to obtain a proper staff of visitors and Sabbath School teachers.

3. There shall be a Committee of Management in connection with each district. Such Committee shall consist of the Minister or Ministers of the congregation or congregations which have adopted the Mission ; or, failing that, of such parties taking an interest in the station as may be approved of by the Presbytery of the bounds.

4. The Committee in the district shall be bound to pay the Missionary employed in such work a salary of not less than £100.

5. Parties applying for a grant shall assure the Committee of their willingness to take steps for the raising of the necessary funds for building so soon as such may be required.

6. The terms of engagement in Territorial are the same as in the case of ordinary Mission Stations.

7. Each of the Territorial Missions receiving grants from the Committee shall transmit, through the Presbytery, an annual report of the operations within the district, together with a statement of accounts.

8. The Probationer or Minister proposed to be first chosen as the Minister of the congregation must be one who, in the judgment of the Committee, is possessed of these peculiar gifts, and of that missionary spirit, which promise to make a successful Minister of a Territorial Charge.

**XIX. CHURCH AND MANSE BUILDING
COMMITTEE REGULATIONS***(Sess. 6. Assembly 1908)*

Church and
Manse
Building
Committee
Regula-
tions.

The Assembly approve of the proposed amended Regulations as now submitted.

The following are the Regulations :—

1. Presbyteries or Congregations intending to proceed with building operations or repairs, should, as a first step, communicate with the Church and Manse Building Committee, who will offer such guidance as the circumstances may require.

2. Where no application is to be made to the Church and Manse Building Committee for a grant, or to the Church generally for subscriptions, the Deacons' Court or Board of Management shall fill up the queries in the Schedule to that effect, and forward it to the Presbytery before commencing building or alterations. The Presbytery shall dispose of the case, and report to the Building Committee what has been done.

3. New buildings, and alterations or repairs, for which grants are to be applied for, or for which assistance is to be asked from parties outside the congregation, shall not be undertaken until the sanction of the Church and Manse Building Committee, as well as the Presbytery, has been obtained.

4. When application is to be made to the Building Committee for a grant, or to the Church generally for subscriptions, in aid of building or repairing churches, manses, or halls, there shall be submitted to the Presbytery of the bounds a schedule containing particulars, together with plans, specifications, and estimates. When these have been considered by the Presbytery, they shall, if they approve, transmit them, along with their deliverance, to the Building Committee.

5. The Building Committee having considered said schedule and relative documents, shall, if satisfied after such inquiry, and taking such professional advice as they think necessary, issue a deliverance granting leave to proceed on such conditions, as to proportion of cost to be on hand, or otherwise, as may appear suitable in each case, and thereafter determine what grant, if any, is to be made.

6. In fixing any grant, the Committee shall give special attention to the cost of site, the cost of building in proportion to the number of sittings provided, the suitableness of the accommodation to the work of the congregation, and the prevention of any burdensome debt resting upon the building when completed. Any grant given shall be payable, in ordinary cases, on the completion of the work, and on presentation of a satisfactory statement of the expenditure incurred and the income available to meet it. In cases requiring larger grants, these may be paid in instalments as may be agreed upon, the last instalment being payable on the completion of the work, if the conditions laid down by the Committee have been fulfilled.

7. Church Extension cases shall be specially dealt with.

8. No grants shall be made or subscriptions authorised except where the titles to the sites of proposed buildings are certified to be in terms of the Trust Deed approved by the General Assembly.

9. No Collecting Book shall be issued for asking subscriptions from members of the Church generally, when the total cost of repairs is under £50.

10. Nothing in these or other regulations on the subject shall infer any pecuniary liability on the Church or on the Building Committee to any person undertaking work in connection with any church, manse, or hall, etc.

11. A Special Fund shall be raised, or a definite portion of the Annual Collection set

apart, for the purpose of dealing with cases of Church and Manse Repairs.

12. It shall be the duty of Presbyteries and Committees of Presbyteries, while carrying out their Quinquennial Visitation of Congregations, to include in their reports a deliverance on the state of repair of the buildings belonging to the congregations visited; and Presbytery Clerks shall transmit a copy of this deliverance in each case to the Secretary of the Church and Manse Building Committee.

13. In cases in which Presbyteries or Visiting Committees may require professional advice to complete their deliverance, they shall report to the Church and Manse Building Committee, who shall supply such advice or assistance as the case may require.

14. Presbytery Clerks shall supply to the Church and Manse Building Committee at the beginning of each visiting year a list of the congregations which fall to be visited within the year.

XX. REGULATIONS ANENT PROBATIONERS

Regulations
anent Pro-
bationers.

1. The General Assembly shall appoint a Committee on Distribution of Probationers. This Committee shall prepare and keep a Roll called the Roll of Probationers, on which shall be entered the names and dates of licence of all Licentiates (unless any such signify their wish to have their names omitted), and the names of Ministers who have had Probation granted them, and of Ministers and Probationers admitted as Probationers from other denominations.

2. Ministers who have been admitted to the Roll shall have Probation entitling them to six appointments in vacant congregations for a period of three years from the date of their admission, and thereafter to at least one appointment per annum.

3. Probationers shall be placed on the Roll on being licensed, unless they otherwise desire,

and shall be entitled to fourteen appointments for a period of seven years. Thereafter Probationers shall be entitled to at least one appointment per annum.

4. When Ministers or Licentiates withdraw their names from the Roll of Probationers, for any cause that the Committee shall approve, the time of their absence is not reckoned in the period of Probation.

5. The Committee shall note in their register the date at which appointments to any Minister or Licentiate on their Roll commenced, the number of appointments each has received and fulfilled, and a record of the time, if any, during which his name has been removed from the Roll with the approval of the Committee.

6. After each meeting of Presbytery, at which vacancies (including colleagueships) have been intimated, or calls sustained, or ordinations or inductions fixed, or students licensed, the Clerk of the Presbytery shall give intimation of the same to the Clerk of the Distribution Committee. In the case of vacancies, he shall also furnish the Clerk of the Committee with the names and addresses of the Interim Moderator and Session Clerk in every vacant congregation requiring supply from the Committee.

7. The Committee shall publish a Bi-monthly Scheme containing the names of all the Probationers on the Roll; of all the vacancies in the Church, whether they receive appointments from the Committee or not; and of all appointments which have been made.

8. The Committee shall send this Bi-monthly Scheme, as soon as prepared—

(a) To all Presbytery Clerks;

(b) To the Interim Moderator and Session Clerk in all vacancies which are receiving supply from the Committee, with the addresses of those Probationers who have been appointed as supply to those congregations;

(c) To the Probationers, with the name and address of the Interim Moderator and

Session Clerk in those vacancies to which the Probationers may be appointed as supply, and also the list of lodgings provided.

9. Appointments of Probationers to vacancies shall be made only by the Committee of Distribution, *and no Probationer shall be eligible for a call to a vacant Church unless he has preached in it by appointment of the Distribution Committee.* The appointments by the Committee shall run from the time when the Presbytery accepts the previous Minister's resignation or agrees to his translation. When a Presbytery has approved of an application for a colleague in a self-sustaining charge (where the application requires the sanction of the General Assembly), and has appointed an Interim Moderator, appointments by the Committee may be made any time after the meeting of the March Commission, on the application of the Interim Moderator and the Congregational Committee, on condition that no election takes place before the Assembly has disposed of the application.

10. When a vacant congregation desires to hear any particular Probationers, with or without a leet, their names shall be sent on by the Interim Moderator to the Clerk of the Committee; and the Committee shall, so far as consistent with the equitable distribution of the vacancies among all the Probationers, and the interests of vacant congregations, give effect in its appointments to such requests. Such requests, however, shall only be granted to the extent of one-half of the Probationers appointed, the other half being sent by the Committee in the order of rotation from the Roll. The Probationers selected by the Committee shall preach alternately with those selected by the congregation.

Should several congregations ask for a hearing of the same Probationer, the Committee may, if it see fit, appoint him to these vacancies, in which case his name shall be passed over

in the usual rotation until his average number of appointments is equal to that of other Probationers.

When a leet is formed, it is recommended that it be restricted to four or six Probationers in all.

11. Probationers shall not be at liberty to make personal application for a hearing, or to make use of testimonials in any vacancy. Probationers are enjoined in all their dealings with vacant congregations to keep carefully and constantly in view the following question put to Probationers on their ordination to a charge :— ‘Have you used any undue methods, either by yourself or others, to procure the call of this congregation?’ (*Practice and Procedure*, p. 116).

12. The Committee shall keep a record of the work done by all Probationers as Missionaries or Assistants. When a Probationer is appointed to a vacancy, his record shall be sent to the Moderator on application by the latter to the Committee. Probationers shall supply the Committee with the necessary information.

13. Congregations are strongly recommended not to elect a Probationer till they have had opportunity of hearing him preach on two Sabbaths.

14. When a Probationer has been elected to a vacant congregation, the Interim Moderator shall give notice to the Clerk of the Committee, who shall cancel further appointments made for that congregation, and when a Probationer accepts a call he shall give notice to the Clerk of the Committee, who shall cancel any appointments to other vacancies that may have been made to him. Congregations which have made an election shall, if still supplied by the Committee, not be considered as vacancies.

15. The Clerk of Committee, on receiving applications for occasional supply to the pulpits of Ministers, shall, as far as possible, provide the supply required by sending, in the first instance, Probationers who are available for such service.

All appointments shall be intimated both to the Minister applying and to the Probationer appointed.

16. Private arrangements as to occasional supply between a Presbytery or a Minister and a Probationer shall be immediately notified by the Probationer to the Clerk of the Committee, but they shall not be considered binding should any appointments for occasional supply or to vacancies for the same day or days have been issued to him by the Committee before receipt of such notice. On receiving any such notice, the Clerk shall by first post intimate if there is any obstacle to the arrangement taking effect.

17. Probationers are required to advise the Clerk of the addresses where letters and telegrams will immediately find them, and to acknowledge communications in regard to preaching engagements by return of post.

RECOMMENDATION

With a view to avoid undue protraction of vacancies, and hardship to Probationers, vacant congregations are recommended to meet, after not more than six candidates have been heard, to consider whether they are prepared to elect one of these. In the event of the congregation not finding itself in a position to elect, another leet of not more than six may be formed, the congregation to meet again when these have been heard.

SPECIAL RECOMMENDATION TO VACANT CONGREGATIONS

The attention of vacant congregations is also specially directed to Rule 11.

XXI. SCALE OF FEES FOR PULPIT SUPPLY

Fees for
Pulpit
Supply.

1. The fee shall be £1 for each Sabbath's supply when the Stipend from all sources is

£200 or under, with an additional shilling for every additional £10 of Stipend. No fee shall exceed £3, 3s.

2. Board or an equivalent, say 10s., to be provided from Saturday till Monday, except in cases where hospitality is not desired.

3. Third-class travelling expenses in all cases to be allowed. Steamers—cabin fare.

4. The above Scale of Fees to be paid to Probationers preaching in *vacancies* and *vacant assistantships and Preaching Stations*, as well as when giving ordinary supply.

5. When a Minister appointed by his Presbytery to supply the pulpit of a sick brother shall send a Probationer in his room, the Probationer shall receive the fee usually paid for supplying the pulpit of the Minister sending him.

6. When a Minister is appointed by his Presbytery to perform in their name some Presbyterial service other than supplying for a sick brother, the Probationer occupying the pulpit of the Minister absent on such service shall receive the fee usually paid by the Congregation to which it is being rendered.

7. A Probationer employed by any Minister to serve his own or another Congregation shall, except in the circumstances provided for by Rules 5 and 6, receive the fee of the Congregation whose pulpit he occupies.

XXII. TRANSFERENCE OF MINISTERS

REGULATIONS ADOPTED BY THE GENERAL

ASSEMBLY OF 1912

1. The Probationers Committee shall be increased from twenty-four members to thirty-six, and shall thereafter be called 'The Probationers and Transference of Ministers Committee.' It shall be one of the Committees on which Presbyteries are represented.

2. This Committee shall keep a list (No. 1) of all ministers who have been in their present

Trans-
ference of
Ministers.

charge for not less than seven, and not more than twenty-five years.

3. (a) Vacant congregations, where ministers only are being heard, shall be expected to take pulpit supply appointed by the Committee from Roll No. 1 for at least each alternate Sabbath until they have chosen a minister.

(b) In cases where both ministers and probationers are being heard, the Committee, while appointing probationers in accordance with the present rules of the Church, shall appoint as pulpit supply ministers from Roll No. 1 equal in number to the ministers selected by the vacant congregation.

(c) Where only probationers are being heard, the rules at present in force shall continue to operate.

4. The Committee shall aim at securing equal opportunities for those on the list. It shall be clearly understood that those who preach by appointment of the Committee do so in accordance with the rules of the Church; and no appointment shall be set aside without sufficient reason being adduced.

5. The Committee shall likewise keep a list (No. 2) of ministers made up of the following three groups :—

(a) 'Ministers without charge' who are already in receipt of salaries from the general funds of the Church.

(b) Ministers whose transference would, in the opinion of the General Interests Committee, in concurrence with the Presbytery, facilitate readjustment of agencies.

(c) (*To come into force only when a scheme has been introduced which shall relieve congregations of the necessity of providing part of a minister's retiring allowance.*) Ministers who are not yet entitled to a pension, but who have intimated to the Committee their willingness to undertake work less arduous and exacting than that in which they are

engaged ; and also ministers who are in receipt of a pension, and have put themselves at the disposal of the Committee for work less remunerative as well as less arduous than that in which they have been engaged.

(The fact that a minister is on Roll No. 2 shall not be a barrier to his being on Roll No. 1, if otherwise eligible.)

6. The following congregations shall, when vacant, be required to make their choice of ministers from Roll No. 2, their right of free election from all the ministers and probationers of the Church being limited to that extent :—

- (1) Congregations with a small membership and limited resources, where it has been arranged that a new life appointment of the ordinary kind is not to be made, but where no readjustment of agencies is contemplated.
- (2) Congregations where, with a view to readjustment of agencies, it is, in the opinion of the Presbytery and the General Interests Committee, not desirable to create a new life interest.

II

PREAMBLE, QUESTIONS, AND FORMULA AT THE ORDINATION OR INDUCTION OF ELDERS

PREAMBLE

(*To be publicly read when the Questions are put.*)

It is hereby declared, that the following Questions are put in view of Act 1647, approving of the Confession of Faith; Act XII. 1846 of the Free Church of Scotland; Declaratory Act 1879 of the United Presbyterian Church; and Act XII. 1892, with relative Act of 1894, of the Free Church; and that elders are entitled to avail themselves of any of these Acts.

It is hereby also declared, that the documents referred to in Question No. 3, and there named for brevity the Claim of Right of 1842, the Protest of 1843, and the Basis of Union of 1847, are respectively the 'Claim, Declaration, and Protest adopted by the General Assembly of the Church of Scotland in 1842,' and the 'Protest of Ministers and Elders, Commissioners from Presbyteries to the General Assemblies read in presence of the Royal Commissioner, on 18th May, 1843,' and the 'Basis of Union adopted by the Synod of the United Presbyterian Church on 13th May, 1847.'

QUESTIONS

1. Do you believe the Scriptures of the Old and New Testaments to be the Word of God, and the only rule of faith and life?

2. Do you sincerely own and believe the doctrine of this Church, set forth in the Confession of Faith, approven by Acts of General

Synods and Assemblies ; do you acknowledge the said doctrine as expressing the sense in which you understand the Holy Scriptures ; and will you constantly maintain and defend the same, and the purity of worship in accordance therewith ?

3. Do you believe that the Lord Jesus Christ, as King and Head of the Church, has therein appointed a government in the hands of church-officers, distinct from, and not subordinate in its own province to, civil government, and that the civil magistrate does not possess jurisdiction or authoritative control over the regulation of the affairs of Christ's Church ? and do you approve of the general principles with respect to the spirituality and freedom of the Church of Christ, and her subjection to Him as her only Head, and to His Word as her only standard, embodied in the Claim of Right of 1842, the Protest of 1843, and the Basis of Union of 1847, as principles which are sanctioned by the Word of God and the subordinate standards of this Church ?

4. Do you acknowledge the Presbyterian government and discipline, as authorised in this Church, to be founded on, and agreeable to, the Word of God ; do you promise to maintain, and submit to, the said government and discipline ; and, while cherishing a spirit of brotherhood towards all the faithful followers of Christ, do you engage to seek the purity, edification, peace, and extension of this Church ?

5. Are not zeal for the glory of God, and a desire to serve the Lord Jesus Christ, in the work of His kingdom so far as you know your own heart, your great motives to enter the office of ruling elder ?

6. Do you adhere to your acceptance of the call to become ruling elder of this congregation, and do you engage in the strength of the grace of Jesus Christ, our Lord and Master, faithfully, diligently, and cheerfully to discharge all the duties of this office ?

7. And these things you profess and promise through grace, as you would give in your account with joy at the coming of our Lord Jesus Christ with all His saints, and have an entrance ministered to you abundantly into His everlasting kingdom ?

FORMULA

(To be subscribed by Elders at the time of their admission)

I,....., do hereby declare that, in the strength of the grace that is in Christ Jesus our Lord, I will constantly maintain and defend the doctrine, worship, and government of this Church, with the liberty and exclusive spiritual jurisdiction thereof, as expressed in my answers to the questions put to me ; and that I will fulfil, to the utmost of my power, all the obligations to which I have solemnly pledged myself.

PREAMBLE, QUESTIONS, AND FORMULA AT THE ORDINATION OF DEACONS

PREAMBLE

(To be publicly read when the Questions are put)

It is hereby declared, that the following questions are put in view of Act 1648, approving of the Shorter Catechism ; Act XII. 1846 of the Free Church of Scotland ; Declaratory Act 1879 of the United Presbyterian Church ; and Act XII. 1892, with relative Act of 1894, of the Free Church ; and that Deacons are entitled to take advantage of any of these Acts.

QUESTIONS

1. Do you believe the Scriptures of the Old and New Testaments to be the Word of God, and the only rule of faith and life ?

2. Do you sincerely own and receive as in accordance with Holy Scripture the system of evangelical truth taught in this Church, and set forth in the Westminster Shorter Catechism ?

3. Do you approve of the Presbyterian government and discipline of this Church ; and are you persuaded that the civil magistrate has no jurisdiction or authoritative control over the regulation of the affairs of Christ's Church ?

4. Do you accept of your call to the office of Deacon in this congregation, and promise through grace, faithfully, diligently, and cheerfully to discharge all the duties thereof ?

FORMULA

(To be subscribed by Deacons at the time of their admission)

I,....., hereby declare that I sincerely own and receive, as in accordance with Holy Scripture, the system of evangelical truth taught in this Church, and set forth in the Shorter Catechism. I approve of the Presbyterian government and discipline of this Church. I am persuaded that the civil magistrate has no jurisdiction or authoritative control over the regulation of the affairs of Christ's Church ; and I promise, through grace, to perform all the duties of the Deaconship faithfully and cheerfully.

DECLARATORY ACTS OF WHICH ELDERS AND DEACONS MAY AVAIL THEMSELVES

I.—DECLARATORY ACT OF THE UNITED PRESBYTERIAN SYNOD, ADOPTED MAY 1879

WHEREAS the formula in which the Sub-ordinate Standards of this Church are accepted requires assent to them as an exhibition of the

sense in which the Scriptures are understood. Whereas these Standards, being of human composition, are necessarily imperfect, and the Church has already allowed exception to be taken to their teaching or supposed teaching on one important subject: And whereas there are other subjects in regard to which it has been found desirable to set forth more fully and clearly the view which the Synod takes of the teaching of Holy Scripture: Therefore, the Synod hereby declares as follows:—

1. That in regard to the doctrine of redemption as taught in the Standards, and in consistency therewith, the love of God to all mankind, His gift of His Son to be the propitiation for the sins of the whole world, and the free offer of salvation to men without distinction on the ground of Christ's perfect sacrifice, are matters which have been and continue to be regarded by this Church as vital in the system of Gospel truth, and to which due prominence ought ever to be given.
2. That the doctrine of the divine decrees, including the doctrine of election to eternal life, is held in connection and harmony with the truth that God is not willing that any should perish, but that all should come to repentance, and that He has provided a salvation sufficient for all, adapted to all, and offered to all in the Gospel; and also with the responsibility of every man for his dealing with the free and unrestricted offer of eternal life.
3. That the doctrine of man's total depravity, and of his loss of 'all ability of will to any spiritual good accompanying salvation,' is not held as implying such a condition of man's nature as would affect his responsibility under the law of God and the Gospel of Christ, or that he does not experience the strivings and restraining

influences of the Spirit of God, or that he cannot perform actions in any sense good ; although actions which do not spring from a renewed heart are not spiritually good or holy—such as accompany salvation.

4. That while none are saved except through the mediation of Christ, and by the grace of His Holy Spirit, who worketh when, and where, and how it pleaseth Him ; while the duty of sending the Gospel to the heathen, who are sunk in ignorance, sin, and misery, is clear and imperative ; and while the outward and ordinary means of salvation for those capable of being called by the Word are the ordinances of the Gospel : in accepting the Standards, it is not required to be held that any who die in infancy are lost, or that God may not extend His grace to any who are without the pale of ordinary means, as it may seem good in His sight.
5. That in regard to the doctrine of the Civil Magistrate, and his authority and duty in the sphere of religion, as taught in the Standards, this Church holds that the Lord Jesus Christ is the only King and Head of the Church, and ‘ Head over all things to the Church, which is His body ’ ; disapproves of all compulsory or persecuting and intolerant principles in religion ; and declares, as hitherto, that she does not require approval of anything in her Standards that teaches, or may be supposed to teach, such principles.
6. That Christ has laid it as a permanent and universal obligation upon His Church, at once to maintain her own ordinances, and to ‘ preach the Gospel to every creature ’ ; and has ordained that His people provide by their free-will offerings for the fulfilment of this obligation.

7. That, in accordance with the practice hitherto observed in this Church, liberty of opinion is allowed on such points in the Standards, not entering into the substance of the faith, as the interpretation of the 'six days' in the Mosaic account of the creation: the Church guarding against the abuse of this liberty to the injury of her unity and peace.

**II.—DECLARATORY ACT OF GENERAL ASSEMBLY
ANENT CONFESION OF FAITH—ACT XII. 1892**

WHEREAS it is expedient to remove difficulties and scruples which have been felt by some in reference to the declaration of belief required from persons who receive licence or are admitted to office in this Church, the General Assembly, with consent of Presbyteries, declare as follows:—

That, in holding and teaching, according to the Confession, the Divine purpose of grace towards those who are saved, and the execution of that purpose in time, this Church most earnestly proclaims, as standing in the forefront of the revelation of Grace, the love of God—Father, Son, and Holy Spirit—to sinners of mankind, manifested especially in the Father's gift of the Son to be the Saviour of the world, in the coming of the Son to offer Himself a Propitiation for sin, and in the striving of the Holy Spirit with men to bring them to repentance.

That this Church also holds that all who hear the Gospel are warranted and required to believe to the saving of their souls; and that in the case of such as do not believe, but perish in their sins, the issue is due to their own rejection of the Gospel call. That this Church does not teach, and does not regard the Confession as teaching, the

fore-ordination of men to death irrespective of their own sin.

That it is the duty of those who believe, and one end of their calling by God, to make known the Gospel to all men everywhere for the obedience of faith. And that while the Gospel is the ordinary means of salvation for those to whom it is made known, yet it does not follow, nor is the Confession to be held as teaching, that any who die in infancy are lost, or that God may not extend His mercy, for Christ's sake, and by His Holy Spirit, to those who are beyond the reach of these means, as it may seem good to Him, according to the riches of His grace.

That, in holding and teaching, according to the Confession of Faith, the corruption of man's whole nature as fallen, this Church also maintains that there remain tokens of his greatness as created in the image of God ; that he possesses a knowledge of God and of duty ; that he is responsible for compliance with the moral law and with the Gospel ; and that, although unable without the aid of the Holy Spirit to return to God, he is yet capable of affections and actions which in themselves are virtuous and praiseworthy.

That this Church disclaims intolerant or persecuting principles, and does not consider her office-bearers, in subscribing the Confession, committed to any principles inconsistent with liberty of conscience and the right of private judgment.

That while diversity of opinion is recognised in this Church on such points in the Confession as do not enter into the substance of the Reformed Faith therein set forth, the Church retains full authority to determine, in any case which may arise, what points fall within this description, and thus to guard against any abuse of

this liberty to the detriment of sound doctrine, or to the injury of her unity and peace.

III.—ACT ANENT DECLARATORY ACT 1892 ON
CONFESION OF FAITH—ACT IX. 1894

WHEREAS the Declaratory Act 1892 was passed to remove difficulties and scruples which had been felt by some in reference to the declaration of belief required from persons who receive licence or are admitted to office in this Church, the Assembly hereby declare that the statements of doctrine contained in the said Act are not thereby imposed upon any of the Church's office-bearers as part of the Standards of the Church ; but that those who are licensed or ordained to office in this Church, in answering the Questions and subscribing the Formula, are entitled to do so in view of the said Declaratory Act.

III

STANDING ORDERS OF ASSEMBLY

It is ordered—

I. AS TO REPRESENTATION OF PRESBYTERIES

1. That all Commissions, transmitted to the Clerks of Assembly, shall be revised by them, in so far as regards the regularity of said Commissions in point of form, and that the Clerks shall prepare and submit a Report on the subject to the Committee appointed by the Assembly for the revising of Commissions.

2. That the Clerks of the Assembly shall furnish all Presbytery Clerks with printed copies of the form of Commission to Representatives hitherto in use, and also of the *bona fide* Certificates to be used by Kirk Sessions, according to Acts VIII. Assembly 1853, and IX. Assembly 1863, for certifying elders who are chosen to be Commissioners to the General Assembly.

3. That there shall be attached to Commissions a statement certified by the Presbytery Clerk of the number of Charges in each Presbytery at the date of the Commission, and of any changes that have taken place during the previous year.

4. That the Assembly Arrangements Committee shall meet in the month of February annually, for the purpose of considering and ascertaining the effect as regards representation of any changes in Presbyteries which may have occurred in the course of the previous year, or by the sanctioning or the reduction of charges by the preceding General Assembly or its Commission, or by any other cause, and shall immediately thereafter intimate to the Presbyteries

concerned what will be their representation in the ensuing General Assembly.

5. That the decision of the Assembly Arrangements Committee, so intimated to Presbyteries, shall be subject to review by the General Assembly, if appealed against or dissented from.

6. That should any question arise between the month of February and the meeting of Assembly, not provided for by these Orders, the Assembly Arrangements Committee shall meet for the consideration and disposal of such questions.

7. That the Clerks of Assembly shall, at the commencement of each triennial period, prepare a table of the representation of all Presbyteries of the Church; and shall, on or before the first day of March, intimate to the Clerk of each Presbytery what will be the representation of his Presbytery in the next three Assemblies, and shall give in the said table to the Commission in March.

8. That in addition to the ordinary Representatives of Presbyteries in the Foreign or Jewish Mission-fields, all ordained Missionaries, being Ministers or Elders, who are home on furlough, shall be members of Assembly, but without power to vote, provided such Missionaries shall present to the Clerks of Assembly, seven days before the Meeting of Assembly, certificates by the Committee under which they act, to the effect that they are *bona fide* acting Missionaries on furlough.

II. AS TO THE TRANSMISSION TO THE CLERKS OF ASSEMBLY OF COMMISSIONS, OVERTURES, RETURNS TO OVERTURES, AND PETITIONS TO THE COMMITTEE ON BILLS

1. That the names and full postal addresses of the Representatives of Presbyteries shall be transmitted by Presbytery Clerks to the Clerks of Assembly not later than the first day of May

in each year, so far as they have been elected by that time.

2. That all Commissions shall be sent up by the Clerks of their respective Presbyteries, so as to be in the hands of the Clerks of the General Assembly at least one week before the Assembly meets.

3. That all Overtures from Presbyteries and Synods, passed by the first day of May, shall be sent to the Clerks of Assembly not later than that date in each year, in order that they may be duly arranged and printed, at the expense of the Assembly, for the use of the Members, and that said Overtures shall be in the form of certified extracts from the Minutes of the Court by which the Overture is transmitted.

4. That Presbyteries shall transmit to the Clerks of Assembly their Returns to Overtures not later than the first day of May in each year ; that said Presbyterial returns shall consist of certified extracts from the Minutes of Presbytery ; and that a separate leaf of paper shall be used for the return on each Overture sent down by the General Assembly.

5. That papers in cases intended to be transmitted to the Assembly through the Committee on Bills, shall be accompanied by a Petition to that Committee, in the name of the party or parties transmitting, and that the Petition shall be transmitted on the day before the meeting of Assembly, with a view to promote the greater despatch of business at the meeting of the Committee—it being understood that this order shall not dispense with the attendance of parties at that meeting.

III. AS TO COMMITTEES FOR BILLS AND OVERTURES

1. That the Committees for Bills and Overtures, appointed by the Assembly at their first diet, shall meet on the afternoon of that day, and subsequently as occasion requires.

2. That the Committee on Bills shall see that all papers presented to them in cases from Inferior Courts, whether forming part of the Record, or produced in evidence before said Courts, have been duly dated and numbered by the Clerk of said Courts, and marked with his initials ; and that the Committee shall not receive any paper which is not so authenticated, unless upon special cause shown, to be reported by them to the General Assembly.

IV. AS TO PRINTING OF PAPERS IN CASES COMING UP TO THE ASSEMBLY

1. That all papers coming before the Assembly —viz., Memorials, Petitions, Applications, References, Complaints, and Appeals, with Extracts of Minutes of Inferior Courts, relative thereto, as also Reasons of Complaint or Appeal ; and, in cases of Libel, the Libel, with the Defences and Evidence adduced—which are passed by the Inferior Courts before the first of May, shall be transmitted to the Clerks of Assembly not later than that date in each year, in order to be printed in sufficient numbers for the use of the Members of Assembly. Papers passed by the Inferior Courts at a later date shall be transmitted to the Clerks without delay.

2. That all such papers shall be printed by the Clerks, and as regards any papers referring to business dealt with by Presbyteries or Synods in private, or which the Clerks consider may lead to discussion in the Committees on Bills and Overtures, they shall have them printed separately.

3. That in cases of discipline brought before the Assembly by reference from a Presbytery or Synod, or by complaint by a minority of the Court, the expense of printing shall be borne by the Assembly Arrangements Committee ; in other circumstances by the Complainant or Appellant. That in all other cases, such as Petitions, References not in Causes, Memorials,

etc., the expense shall be borne by the party having interest in the same, or desiring a deliverance from the Assembly.

4. That all such papers shall be printed in the octavo form, corresponding to pages of the volume of 'Proceedings.'

5. That all such papers shall be stitched together and paged, and provided with an alphabetical index for reference; and that a copy of all papers transmitted to the Clerks of Assembly by the first of May shall be forwarded to each Member of Assembly at least one week before the day of meeting.

6. That a copy of every printed paper shall be kept by the Clerks of Assembly, to be bound up and kept among the Records of Assembly.

V. AS TO THE GENERAL ASSEMBLY

1. *Devotional Exercises*

(1) That the Assembly shall celebrate the Ordinance of the Lord's Supper at the commencement of the first diet of the second day of their meeting.

(2) That any proposal for a pause in the Assembly's proceedings, with a view to engage in special devotional exercises, shall be made to the Assembly only through the Moderator.

2. *Business Committee and Committee for Printing the Acts*

(1) That the Assembly Arrangements Committee shall be instructed to prepare and submit to the first diet of Assembly a programme of the business of the House for the first and second days, and to suggest names of Members to form a Business Committee to arrange the business for the remaining days.

(2) That the Business Committee shall meet in the course of the opening day of the Assembly, and subsequently as occasion may require.

That it shall nominate a Selection Committee, whose function shall be to select and submit to the Assembly for its approval names of Members to serve on all special Commissions and Committees appointed by the Assembly.

(3) That at the first diet a Special Committee shall be appointed for printing the Acts of Assembly. That the said Committee shall prepare an Interim Report with special reference to the selection of Principal Acts, which shall be laid on the table at the forenoon diet of the second last day of their meeting during the sittings of Assembly, and after being printed in the 'Daily Proceedings,' shall be considered on the forenoon diet of the last day of their meeting.

3. Reports of Committees and Overtures

(1) That Reports of all Committees reporting to the Assembly shall be transmitted for printing to the Clerks of Assembly by the first day of May in each year, and shall be stitched together, and a copy forwarded to each Member of Assembly, at least one week before the day of Meeting ; and that all Reports so distributed shall be held as read. Committees are strongly recommended to print at the close of their Reports the deliverances which they propose to submit to the Assembly.

(2) That Reports shall be printed in a size and style uniform with the volume of Reports of Assembly Proceedings, and that the Committee shall furnish the publisher of said volume, immediately after the rising of the Assembly, with a number of copies corresponding to the amount of its circulation.

(3) That Reports shall not be engrossed in the Record, but, after being printed, a copy of each, certified by one of the Clerks as being that given in to the Assembly, shall be kept *in retentis*, and the Reports thus collected shall be bound up in volume, to be preserved among other documents of the Assembly.

(4) That verbal Reports shall not be received, and no Sub-Committee shall give in any Report to the Assembly.

(5) That after the Report of any Committee has been submitted, and before the deliverance is moved, an opportunity shall be afforded of putting questions to the Convener on any matter contained in the Report which may seem to need explanation ; this being without prejudice to the right of Members to put questions, with the leave of the House, at any subsequent stage.

(6) That timeous notice must be given to the Convener of questions regarding any matter in the care of the Committee to which no reference is made in the Report.

(7) That the final deliverance of the Assembly upon the Report of any Committee shall always follow immediately after the consideration of said Report, except in the event of a special reason for the contrary having been approved of by the Assembly, and recorded in the Minute. And that all proposed deliverances on Reports of Standing Committees, and all others which include important details of business or expenditure, submitted for the approval of the Assembly, shall be handed to the Clerks not later than the day before the Report is taken up, and printed as Notices of Motion in the ' Daily Proceedings.'

(8) That all Reports of Committees appointed during the Assembly's sittings which contain any proposed deliverance not already printed, shall be put into the hands of the Clerks at least one diet previously to its being moved that they be approved of.

(9) That Conveners submitting Reports shall not exceed thirty minutes in addressing the House. A Member speaking in support of an Overture shall not exceed ten minutes.

(10) That Overtures relating to matters under the care of Committees of the Church shall be assigned by the Business Committee the place in the discussion at which they shall be introduced to the House.

(11) That Overtures on the same or cognate subjects shall be grouped by the Business Committee, and only one speaker shall be heard in support of each group.

4. The Reading of Speeches and Length of Speeches

(1) That in the discussion of any subject brought before the Assembly by Overture, or by the Report of a Committee, it shall not be allowable, without leave granted by the House, for any Member to read his Speech from a manuscript prepared previously to the discussion, except in the case of a Member introducing an important subject to the attention of the House.

(2) That, previously to the discussion of any question which does not arise upon the Report of a Committee, or when no motion given notice of contains an approval of such Report, the House shall determine, in such manner as may seem most expedient, the order of priority belonging to the motions given notice of ; and that, when a motion approving of a Report has been made and seconded, the House shall determine in the same manner the order of priority belonging to any other motions given notice of.

(3) That in the discussion of any question, when only two motions have been given notice of, the proposer of each of the motions may address the House for not longer than thirty minutes, and the seconder for ten minutes ; that when a larger number of motions has been given notice of, the proposers of each shall be allowed twenty minutes, and all subsequent speakers ten minutes. These limits shall only be exceeded when the Moderator shall have ascertained that the House desires any speaker to continue.

5. The Conducting of Causes

(1) That, as far as may be possible, separate days shall be set apart for Causes ; and that it

be understood that the Saturday and Monday shall, if necessary, be mainly devoted to this purpose.

(2) That Counsel shall not be heard at the bar in any Causes which may come before the House.

(3) That when a Presbytery acquiesces in the sentence of a Synod, it shall not be entitled to appear as a separate party at the bar of the Assembly, but the members of Presbytery may nevertheless be heard as members of Synod.

(4) That in no case shall there be more than two speeches for each party at the bar, including the reply to which the appellant or complainer shall be entitled ; and when there are more than two parties, there shall only be one speaker, and one speech for each, besides the reply—it being understood that where there are more than one complainer, each shall be considered as a different party only in case of its appearing to the Assembly that the complaints rest upon distinctly separate grounds.

(5) That previously to hearing the parties in any Cause, the Clerk shall read the following announcement, viz. :—‘The members are reminded that justice requires the pleadings at the bar to be heard by all those who vote in the cause, and that, in particular, no member ought to vote against either side of the bar who has not heard the pleadings on that side.’

(6) [a] That the Clerks of Assembly shall not issue the papers to the members of Assembly, with reference to cases which they think require to be conducted with closed doors, until specially instructed by the Assembly to do so ; but shall report such cases to the Convener of the Business Committee, for its information, immediately after its appointment.

[b] That the Business Committee shall, in their first Report, specify any case which, in their judgment, requires to be conducted with closed doors ; and any case which does not appear to them of that character, although the Clerks may have reported it as such.

[c] That, in all cases thus reported on by the Business Committee, the Assembly shall itself determine, by a special deliverance, at what stage of the proceedings the papers shall be issued to the members ; and

[d] That in every case which the Assembly appoints to be conducted with closed doors, the instruction to issue the papers shall be accompanied by a special exhortation to the members to keep them private.

6. Motions and Votes

(1) That every motion, whether original or amended, shall be given in to the Clerk in writing, as soon as it shall have been made to the House.

(2) That when a motion is duly seconded, and in possession of the Assembly, it shall not be competent to make any alteration upon it without the permission of the House, excepting in the shape of an amendment, or second, or third motion, as the case may be, regularly proposed to the Assembly.

(3) That the person who makes the first motion shall be entitled to the privilege of giving a reply, in which new matter must not be introduced ; thereafter the debate shall be held to be definitely closed, and no other person shall be entitled to speak excepting with regard to the manner of putting a vote.

(4) That all motions after the first shall be considered as amendments on the first, and disposed of accordingly. In the case of voting for appointments to vacant offices of the Church, where there are more than two nominations the Assembly shall first vote on all the names proposed, and, unless there is a majority in favour of one over all others combined, the one having the lowest number shall be dropped, and the Assembly shall again vote in the manner herein prescribed on those that remain. If an amendment be proposed affecting any single clause

of a deliverance, it shall be put against that particular clause and voted on. If an addition be proposed to a deliverance which has been adopted, the Assembly shall vote 'Adopt' or 'Not adopt' the addition.

(5) That when there are only two motions before the House, the question put to the vote shall be *Motion or amendment, or First or second motion.*

(6) That when there are three motions, the first question shall be, whether the second or third motion shall be put as the amendment against the first; and the second question shall be, whether the first motion or the amendment so fixed shall be the decision of the House.

(7) That when there are more than three motions, the first question shall be whether that last proposed shall be put as the amendment, and so on till only three remain, when the procedure shall be as prescribed in Article 6.

(8) That in Causes it shall not be competent to move an amendment to the motion, unless it be of such a nature as to decide the case, or to forward it in its progress.

(9) That notices of motion which are to be printed in the 'Daily Proceedings' must be given in during the forenoon sederunt of the preceding day. No notice of motion shall be printed by the Clerks, or allowed precedence in discussion, which has been given in earlier than the first Wednesday of the Assembly's Meeting, unless it relate to business which the House has agreed to take up on Wednesday of the first week.

(10) That when any proposal has been submitted in the Report of a Committee, any motion for approval of such proposal shall take precedence of any counter-motion or amendment.

7. Mode of taking the Vote

(1) That on a division being called for, otherwise than by show of hands, a bell shall be rung

for two minutes, during which time the Reporters' seat shall be closed, and all parties who are not Members, but have the privilege of entering the House, shall withdraw.

(2) That after the ringing of the bell, the Clerk shall repeat the announcement required to be made under Section 5, paragraph (5).

(3) That the division doors shall be placed in their position, and one side of each folding entrance door be closed, so that the Members may be able to go out only one at a time.

(4) That twelve Tellers shall be appointed by the Moderator, six from the supporters of each of the motions before the House. These Tellers shall take their places in pairs, one on each side at the six doors of the House, and shall count the numbers passing out at their respective doors.

(5) That when the Tellers shall have taken their places, the Moderator shall direct the Members to vote by leaving the House at separate doors—those who support the first motion going out at the right hand, and the supporters of the amendment, or second motion, at the left hand of the chair.

(6) That the Clerks of Assembly shall prepare printed Alphabetical Lists of Members, and shall appoint clerks to mark at each door the votes of Members.

(7) That Members as they pass the door shall give their Christian names and surnames in a distinct voice to the clerks.

(8) That thereafter the Members shall pass between the two Tellers, who shall both audibly count the number of each Member as he passes.

(9) That as soon as the vote shall thus have been taken, the Tellers shall report the state of the vote to one of the Clerks of Assembly, who shall write it down, and read it to the House.

(10) That the Report of the Tellers, as read to the House, shall be held as final and conclusive, and not subject to any revision by scrutiny or otherwise.

(11) That when Members return to the House after the division, they shall be understood as having right to the seats which they occupied before leaving the House to vote.

8. *Dissents*

(1) That any member dissatisfied with a judgment come to by the Assembly, which has not been unanimous, has the right of entering his dissent against it; but no dissent can be given in until the matter to which it refers has, for that sederunt, been disposed of, the Minutes have been completed and adjusted, and the House is ready to proceed to other business.

(2) That when a dissent has been entered by a member immediately after the pronouncing of the judgment dissented from, it is competent for any other member present and voting when that judgment was pronounced to adhere to such dissent. But no one's adherence can be received who was not present, or did not vote against such judgment.

(3) That a member dissenting may do so with or without giving in reasons of dissent. If he dissents for reasons given at the time, or to be afterwards given in, such reasons shall—if received by the Assembly as proper and relevant—be recorded in the Minutes, provided they are given in before the close of the next sederunt, or on the last day of the Assembly, before the close of the same sederunt.

(4) That if the Assembly appoint a Committee to prepare answers to reasons of dissent, the report of the Committee shall, except on the last day of the Assembly, be printed in the Daily Proceedings; and, as approved by the Assembly, be printed in the Minutes, when the reasons of dissent have been printed in the Minutes.

(5) That reasons of dissent and answers thereto, when not entered in the Minutes, shall be kept in a separate record of dissents.

9. *Drafts of Declaratory or Interim Acts and Overtures*

That the Draft of any proposed Declaratory or Interim Act, as also the Draft of any Overture which it is proposed to transmit to Presbyteries for their opinion in terms of the Barrier Act, shall be laid on the table of the Assembly, and printed and circulated among the Members, at least one day before a motion be made for the passing of such Declaratory or Interim Act, or for the transmission of such Overture to the Presbyteries of the Church.

10. *Letters addressed to the Moderator*

That all letters addressed to the Moderator for the purpose of being communicated to the Assembly shall, in the first instance, be laid before the Business Committee, who shall advise the Moderator as to the way of disposing of them.

11. *Deputations from other Churches, etc.*

(1) That Deputies from other Churches and from Societies shall, on their arrival, give in their commissions or letters of introduction to the Clerks of Assembly, who shall report the same to the Business Committee, that arrangements may be made for receiving them at a convenient time.

(2) That in the case of strangers who may be desirous of being introduced to the Assembly and addressing the House, notice thereof shall be conveyed to the Moderator, who shall report the same to the Business Committee, that they may advise in the matter.

12. *Reception of Delegates*

(1) That the Corresponding Members from the Presbyterian Church of England shall be received on the first Wednesday forenoon, and that only one of the Corresponding Members shall address the Assembly at this reception. Conveners of Committees shall keep in view to give any of the Corresponding Members from the Presbyterian Church of England who are conversant with a particular subject an oppor-

tunity of taking part in the subsequent business of the House.

(2) That the Delegates from the Presbyterian Church in Ireland shall be received immediately after the Corresponding Members from the Presbyterian Church of England.

(3) That the Delegates from the Irish Church and the Welsh Church shall be received on alternate years, a Letter being sent to each Church on the year on which Delegates are not received, and the same arrangement shall hold as regards Delegates from this Assembly to the Irish and Welsh Assemblies.

(4) That after the Delegates from these sister Churches have been received, there shall be a formal reception of all the Colonial and Continental Delegates who have arrived in Edinburgh, at which, after the names of all these Delegates have been read, the Moderator shall address a few words of welcome to them. The Business Committee, in conjunction with the Colonial and Continental Committee, shall afterwards arrange for a suitable time for these Delegates addressing the House.

(5) That only those specially commissioned by the Supreme Courts of their Church shall have an opportunity of addressing the House as Delegates, but that brethren from the Colonies and Continent, with Letters of Introduction from Assembly or Presbytery Clerks, shall have the privilege of seats in the Assembly.

(6) That the Officials of the Colonial and Continental and other Committees who may be interested in Delegates, shall see that invitations to all Assembly functions are procured for the Delegates, and that the Members of the Assembly shall do everything in their power to make the visits of all the Delegates pleasant and profitable.

13. *Visitation of Synod Records, and Examination of Minutes of Standing Committees*

(1) That the Synod Books shall be called for on the first Wednesday of the Assembly, and

that a Committee or Committees shall be appointed for visiting the same, who shall fill up a *Schedule* with the information required by the Assembly regarding each Book—said Schedule to be returned on the second Wednesday, when the Report of the Visitors shall be called for.

(2) That a copy of the Report, as sustained by the Assembly, shall be transmitted to the Synod, and be engrossed in their Record.

(3) That the Minutes of Standing Committees shall be laid annually on the Table of the Assembly, and visited in the same manner as the Synod Books.

14. Printing of Assembly's Proceedings, etc.

That each day's Proceedings, together with roll of matters to be taken up on the following day, and notices of meetings of Committees, shall be printed from day to day and placed in the hands of the Members of Assembly.

15. Minutes

That the Minutes, being printed, shall be held as read, full opportunity being given at each diet for corrections.

16. Standing Orders

(1) That the Standing Orders shall be held as read immediately before the appointment of the Business Committee, and that they shall be printed in the Abstract of the first day's Proceedings.

(2) That any motion for altering Standing Orders shall be printed in the 'Daily Proceedings' the day before it is proposed.

VI. COMMITTEES

1. That the Assembly's Committees shall be those after named; and shall be classified as follows. They shall have the membership after stated.

**CLASS I. STANDING COMMITTEES ON WHICH
PRESBYTERIES ARE REPRESENTED.**

1. Central Fund.
2. Foreign Missions.
3. Colonial and Continental.
4. Jewish.
5. General Interests.

6. Church Life and Work and Public Morals (to include Church Life and Work, Sabbath Observance, and Romanism and Ritualism).
7. Home Mission.
8. Highlands and Islands.
9. Youth.
10. College.

11. Temperance.
12. Church and State.
13. Church and Manse Building.
14. Nomination (not more than three ministers and three elders from any one Synod).
15. Publications and Records.
16. Probationers and Transference of Ministers.

With not more than ninety-six members in the Central Fund Committee; not more than sixty members in the Foreign Mission and General Interests Committees; and not more than forty-eight members in the Colonial and Continental and the Jewish Committees. In the case of the General Interests Committee, in addition, the Conveners of such Committees as the Assembly shall agree shall be members thereof *ex officio*.

With not more than forty-eight members each; and in the case of the College Committee, including two members from each Senatoratus to be nominated by the Nomination Committee.

With not more than thirty-six members each; and in the case of the Publications and Records Committee, in addition, one representative from each of the following Committees, viz.:—(1) Foreign Missions, (2) Home Mission, (3) Highlands and Islands, (4) Youth, (5) Colonial and Continental, and (6) Jewish, to be nominated by their respective Committees.

**CLASS II. STANDING COMMITTEES ON WHICH
PRESBYTERIES ARE NOT REPRESENTED.**

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| 17. Education. (Sixteen members.)
18. Aged and Infirm Ministers' Fund.
19. Assembly Arrangements.
20. Finance.
21. Praise.
22. Presbyterian Chaplains in the Army and Navy (thirty-two members).
23. Statistics.
24. Law.
25. Reports of Synods anent Presbyterial Visitation.
26. Assessors in Cases of Discipline, twenty members —ten ministers and ten elders. | With not more than twenty-four members each. |
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CLASS III. SPECIAL COMMITTEES.

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| 27. On Communication from the Church of Scotland.
28. On Recognition of the Place of Women in the Church's Life and Work.
29. On Amalgamation of Aged and Infirm Ministers' Fund. | 30. On Property Cases.
31. Local Boards of Administration for Schools of Christian Workers.
32. Social Problems.
33. On Conference on Faith and Order.
34. On Law Agencies. |
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UNDER SPECIAL TRUSTS.

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| Kerr Lectureship.
Beattie Trust.
"Reformers'" Gift. | Chalmers Lectureship.
Cunningham Lectureship. |
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2. That the members of all Standing Committees of Class I., along with the Ex-Moderators, shall be invited to take part in the nomination of the Moderator of the General Assembly.

3. That the members of each of the Standing Committees shall retire after serving for four years. The name of a member shall be removed from any Standing Committee which shall meet three times, or oftener, between 1st June and 1st March, unless he has attended one-third of the meetings held within that period. Attendance on meetings of Standing Sub-Committees, held to prepare the business for meetings of the Committee, shall be reckoned as equivalent to attendance at the meetings of Committee themselves.

4. That any member of a Committee who desires to resign his membership shall intimate his resignation to the Convener of the Committee, and the Committee shall transmit the intimation, with such recommendation or expression of opinion thereon, if any, as may seem to it suitable, to the Nomination Committee, not later than 31st March.

5. That when a minister appointed to represent his Presbytery on Committees is translated to another Presbytery, he shall cease to hold the position of representative from the first Assembly following, provided the translation has taken place prior to 1st March. The vacancy shall be intimated by the Presbytery to the Convener of the Nomination Committee before that date, and shall be filled up according to the Standing Orders.

6. That a member retiring by rotation, or having his name removed for non-attendance from a Committee, other than the Law Committee or the Committee of Assessors in Cases of Discipline, shall not be eligible for re-election to that Committee until the expiry of one year thereafter, unless the Assembly are satisfied, on the Report of the Nomination Committee, on information submitted to them by the Committee concerned, that there are exceptional circumstances which make re-election desirable. A member appointed in the room of one dying, resigning, or removed, or of one appointed as

Convener, or Vice-Convener, shall serve for the remainder of the period for which the person was appointed whose place he takes, and on retirement shall be eligible for re-election, if he has not served for more than two years. Of the members nominated to serve on the Foreign Mission Committee not having Presbyterial nomination, one-half shall be appointed on the recommendation of the Foreign Mission Committee from amongst members who have already served upon that Committee. In the case of such members the rule requiring the lapse of a year before reappointment shall not apply.

7. That Conveners and Vice-Conveners of Standing Committees shall be appointed annually by the Assembly. Conveners shall not hold office for more than four consecutive years, unless the Assembly are satisfied that there are exceptional circumstances which make reappointment desirable. Vice-Conveners shall not hold office for more than three consecutive years. Conveners and Vice-Conveners on their appointment shall, with regard to rotation, be placed amongst those who have to serve for four years; and if at the time of appointment they are already members of the Committee, another member shall be appointed in their room for the remainder of the period of their original appointment.

Conveners of Standing Committees shall be entitled to be present at meetings of Nomination Committee when the composition of their respective Committees is under consideration, and shall be entitled to take part in the deliberations, but not to vote.

8. That Presbyteries shall be represented on the Standing Committees having Presbyterial representation, on the following plan—Presbyteries with less than 10 congregations, one minister and one elder alternately; with 10 and under 20 congregations, one minister and one elder; with 20 and under 30 congregations, two ministers and two elders; with 30 or more

congregations, one minister and one elder for every 15 congregations or portions beyond a complete 15, provided such portion exceeds five in number. Elders may, if necessary, be chosen from any Presbytery of the Church.

That each representative of a Presbytery shall, as far as possible, be put on two Committees having Presbyterial representation.

9. That no person shall be a member of more than four Standing Committees at the same time. Membership of the Law Committee or the Committee of Assessors in Cases of Discipline shall not be reckoned in applying this rule.

10. That each Committee on which Presbyteries are represented shall be composed to the extent of two-thirds of its number of those nominated by Presbyteries, and one-third of its number of members nominated by the Nomination Committee.

11. That the Nomination Committee shall include in its Report an alphabetical list of ministers and elders on Committees, showing the Standing Committees of which they are members, together with its list of nominations to be submitted to the Assembly. This Report, so prepared, shall be included in the first volume of Reports issued to members of Assembly. When the Convener or Vice-Convener of a Committee is completing his term of office, the Committee shall be invited by the Convener of the Nomination Committee to suggest the name of one who may be appointed in his room. Intimation of vacancies in their representation shall be made to Presbyteries before the end of February, and returns shall be due by 14th April, to allow the Nomination Committee sufficient time to make its nominations with deliberation. The Nomination Committee shall invite Presbyteries, when sending in names of their representatives, to indicate any particular Committee for which, in their opinion, any individual representative nominated by them may be specially qualified.

12. That the Nomination Committee shall not

nominate for Committees any of its own number except in the case of those who are nominated by Presbyteries for representation, or in special circumstances which must be stated to the Assembly.

13. That a certain number of ordained members of the Mission Councils shall be added by the Nomination Committee as representative members to the several Mission Committees. Mission Councils are requested to intimate through their respective Committees to the Nomination Committee by the 14th April in each year, the names of such ordained Missionaries as are to be at home during the following twelve months.

That Ordained Missionaries on furlough, not so appointed members of the Mission Committees, shall be regularly invited to attend the ordinary meetings of the respective Committees, with liberty to speak.

14. That no amendment on the Report of the Nomination Committee shall be in order of which due notice has not been given.

That all notices of amendments on the Report, including such as propose the omission or insertion of any name or names, or the addition of a name or names where the full number eligible has not been nominated by the Committee, must be given in to the Clerks before the close of the forenoon diet of the Saturday of the first week, signed by the member or members giving them.

That all such notices of amendment shall, with the names of those signing them, be printed in the 'Daily Proceedings' issued the next morning and on the morning of the day the Report is to be called for.

IV

FORMS

I. QUESTIONS SUGGESTED AS SUITABLE TO BE PUT TO APPLICANTS FOR ADMISSION TO THE CHURCH

1. Do you accept the Scriptures of the Old and New Testaments as the Word of God and the supreme rule of faith and practice ?
2. Do you believe in one God—the Father, the Son, and the Holy Ghost ?
3. Do you acknowledge yourselves to be sinners, and therefore in need of Salvation, and do you believe that you can be saved only by the grace of God, the redeeming work of Christ, and the regenerating and sanctifying power of the Holy Ghost ?
4. Do you believe in Jesus Christ as the only Redeemer of men ? Do you accept and trust Him as your Saviour, own Him as your Lord, and engage, in dependence on the promised help of His Spirit, to obey His commands and follow His example ?
5. Do you accept the views of truth and duty held by this Church, and the principles on which its constitution and order are founded ?
6. Do you promise to submit to the Session of this Congregation, and to the higher Courts of this Church, as being over you in the Lord, to observe the ordinances of God, to contribute according to your ability towards the support of the Gospel and its extension both at home and abroad ; and will you study to promote the welfare of this Congregation, and seek by a holy life to adorn the doctrine of God our Saviour ?

II. CERTIFICATE OF DISJUNCTION

That the Bearer, A. B., is a member of the United Free Church of Scotland, and leaves the Congregation of C....., at this date, in full communion, is certified by

E. F., *Minister.*

P. Q., *Session-Clerk.*

**III. COMMISSION OF ELDER TO SIT IN
PRESBYTERY AND SYNOD**

At C....., the.....day of.....
19...., which day and place the Session of the United Free Church Congregation of C..... met, and was constituted with prayer by the Rev. A. B., Moderator.

Inter alia.—The Session appointed.....
bona fide an acting Elder (*or*, acting Elders, *as the case may be*) of the Congregation, to represent them in the Presbytery of.....and Synod of....., during the current year.

Extracted from the Records of Session by
E. F., *Session-Clerk.*

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